

BEFORE THE ADDITIONAL MASTER IV,
HIGH COURT, MADRAS
C.S.No.104 OF 2022

Date: 14.11.2024
Time : 12.40 P.M.

Name : Mr. K. Dhanasekaran (DW1)

Continuation of Cross examination by Mr. S. Nambi Arooran, the
counsel for the plaintiff.

Solemnly affirmed:

Q22: Is it correct to state that your father has executed a settlement deed dated 21.07.1980 in favour of you and your other brothers?

A: Yes. He has executed four settlement deed separately on the same day.

Q23: Is it correct to state that the property has to be given to the descendants of yourself and your brothers?

A: Yes.

Q24: Is it correct to state that yourself and your brothers only have right for enjoyment of the property?

A: Yes.

Q25: Is it correct to state that you do not have any absolute right to sell the property?

A: Yes.

Q26: Is it correct to state that as per the above said settlement deeds, the male descendants of yourself and your brothers shall acquire the property?

A: Yes.

Q27: How many children to your brother Dhasaradhan?

A: Only two daughters.

Q28: Is it correct to state that your brother Dhasaradhan does not have any male descendants?

A: Yes.

Q29: How many children to your brother Dhananjayan?

A: Two male children namely, Karthick Ragunath and Ramakrishnan.

Q30: How many children do you have?

A: I have two daughters and they are D. Shyamala and D. Preethi.

Q31: How many children to your brother Saravana Perumal?

A: One son namely, S. Vijay and one daughter namely S. Sudha.

Q32: Have you mentioned anywhere in your written statement or your proof affidavit that according to the settlement deed only our male descendants shall acquire the absolute right over the schedule mentioned property?

A: I am not aware.

Q33: (Ex.P2 is shown to the witness.) Have you stated in the sale agreement that the property absolutely belongs to your male descendants and your brothers male descendants?

A: No. I have not stated.

Q34: In Ex.P2, sale agreement specifically in page 5, you have stated that Mr. TRP. Kothandaraman settled the land measuring 1170 sq.ft., in plot No.1 and measuring 780 sq.ft., in plot No.1A comprised in Survey No.2836/3, Door No.158, Strahans Road, situated at Pursawalkam Village (Chellappa Mudali Street) to and in favour of the daughters of Mr. K. Dhasarathan by way of Settlement Deed dated 21.07.1980 and registered as Doc.No.1376/1980, in the office of the SRO, Purasawalkam, is it correct?

A: It is there but it is wrong.

Q35: In Ex.P2 sale agreement it has been stated that TRP. Kothandaraman has settled property in favour of the daughters of Dhanasekaran, is it correct?

A: It is there but it is wrong.

Q36: In Ex.P2 sale agreement it has been stated that TRP. Kothandaraman has settled property in favour of the son and daughter of Mr. K. Saravana Perumal, is it correct?

A: It is there but it is wrong.

Q37: Who decided to sell the property to the plaintiff?

A: We all decided.

Q38: (Ex.D1 is shown to the witness.) In the year 2010 itself a sale agreement was entered into with the plaintiff, is it correct?

A: Yes.

Q39: (Ex.D1 is shown to the witness.) The above said sale agreement was entered on 11.03.2010, is it correct?

A: Yes.

Q40: (Ex.D1 is shown to the witness.) You and your brothers were only the signatories to the sale agreement, is it correct?

A: Yes.

Q41: In Ex.D1 sale agreement, whether you have stated about the settlement deed executed by your father in favour of your male descendants?

A: I am not aware

Q42: Are you aware that the property should devolved upon the male descendants of yourself and your brothers at the time of entering into the agreement for sale dated 11.03.2010?

A: Yes.

Q43: I put it to you that you are fully aware that yourself and your brothers do not have absolute right to sell the suit schedule property.

A: Yes.

Q44: I put it to you that you do not have absolute right over the suit schedule property, the Ex.D1 agreement for sale itself is not valid and binding.

A: Yes.

Q45: (Ex.D2 is shown to the witness.) Have you stated anything about your right and your descendants right as shown in the settlement deed of your father in the Memorandum of Understanding, Ex.D2?

A: I do not remember.

Time: 01.15 P.M.

Taken down in open Court, read over and explained to the witness and the same is admitted by the witness to be true and correct and signed before me.

ADDITIONAL MASTER-IV