

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

Date:12.01.2024

Time : 12.21 P.M.

Name : Mr. John Venkatesan (PW1)

Cross examination by Mr. V. Chandrakanthan, the counsel for the
defendants 1, 2, 6, 7 and 8.

Solemnly affirmed:

Q109: (A document is shown to the witness.) Is this the legal notice issued by the defendant to the plaintiff dated 25.01.2019?

A: Yes. The office copy of the legal notice issued by the defendant to the plaintiff dated 25.01.2019 along with the acknowledgment is marked as Ex.D3. (The counsel for the plaintiff objects to marked this document on the ground that the legal notice does not contains the name of the defendant on whom instruction the legal notice has been issued.)

Q110: (A document is shown to the witness.) Is this the notice issued by the 1st defendant dated 28.12.2021 to you and the same was served on you dated 03.01.2022?

A: No.

Q111: (A document is shown to the witness.) Is this the reply notice issued by the defendant's counsel to the plaintiff for the legal notice dated 11.12.2021 sent to the counsel for the plaintiff?

A: I do not know.

Q112: Did you ask your counsel Mr. S.K. Masthan that any reply notice issued by defendant's counsel to your legal notice dated 11.12.2021?

A: Yes. Reply was received.

Q113: Have you gone through the reply dated 23.12.2021 sent by defendants?

A: Yes.

Q114: (A document is shown to the witness.) Is this the reply sent by the counsel for the defendant?

A: I do not know.

Q115: Have you asked your counsel to hand over the notice to you to peruse the notice?

A: No.

Q116: (Ex.D3 is shown to the witness.) Have you send reply to Ex.D3 notice?

A: No.

Q117: Have you filed any document to show that within 10 months the date of agreement of sale dated 07.05.2018 that you are ready with funds to perform the agreement of sale stipulated under Ex.P2?

A: No.

Q118: Have you asked for relief of refund of advance in this suit?

A: No.

Q119: (Ex.D2 is shown to the witness.) Is it correct to state that as per Ex.D2 you have paid a sum of Rs.1,15,42,500/- as advance?

A: Yes.

Q120: I put it to you that you are not asking for any relief based on the MOU dated 26.02.2018.

A: Yes.

Q121: Is it correct to state that Ex.D2 was expired and not enforceable?

A: Yes. Witness adds: Subsequent to the MOU agreement for sale was registered.

Q122: (Ex.P2 is shown to the witness.) Have you mentioned about the MOU dated 26.02.2018 in the Ex.P2?

A: No.

Q123: I put it to you that land value is increasing every year.

A: Yes.

Q124: Is it correct to state that MOU, Ex.D2 the sale consideration is mentioned as Rs.6 crores?

A: Yes.

Q125: Is it correct to state that under Ex.P2 the same property the sale consideration is mentioned as Rs.3,51,14,365/-?

A: Yes.

Q126: I put it to you that the Ex.P2 agreement is not based on market value and you have forced the defendant to entered into an agreement for lesser value without knowledge of the defendants taking advantage over the defendants poverty and illiteracy.

A: I deny.

Q127: I put it to you that you have no funds to purchase the property and you have filed the suit without sufficient funds.

A: I deny.

Q128: Have you filed any application before this court praying for deposit of balance of sale consideration to perform the obligation under the agreement, Ex.P2?

A: No.

Q129: I put it to you that as per the averments prayed in the plaint that you are ready and willing to perform their obligations is false and hence you have not filed any application to deposit the balance of sale consideration.

A: I deny.

Q130: In the relief claimed in para 15a of the plaint seeking specific performance the agreement of sale dated 07.05.2018 is unsustainable and you are not entitled the claim.

A: I deny.

Q131: Similarly, the relief claimed in para 15b and c of the plaint is not entitled.

A: I deny.

Q132: In the last cross examination, you have answered to produce the members list before this court, have you produced?

A: No.

Q133: I put it to you that the suit is not maintainable and liable to be dismissed.

A: I deny.

Time: 12.55 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