

BEFORE THE ADDITIONAL MASTER-III
HIGH COURT, MADRAS.

T.O.S.No.46 OF 2022

Date: 14.07.2025

Time: 02.40 P.M.

Name : Mr. Kaveri Ramachandran (PW1) Recall

Cross Examination by R.Anish Kumar, Learned counsel for the defendants.

Solemnly Affirmed:

Q1: Is it right to state that after you cross examination you have decided to file application to mark additional documents?

A: Yes.

Q2: I put it to you that there is no pleadings in your original petition and your previous proof affidavit related to this additional documents.

A: Yes.

Q3: Who appointed the care-taker?

A: Me and my brother.

Q4: What is the name of the care-taker?

A: Mr.Baskar.

Q5: How did you avail the service of the care-taker?

A: Through SJBS Health Service Pvt.Ltd.

Q6: Why you did not disclose the abovesaid service provider in your original petition and proof affidavit?

A: I did not think at that time it is necessary.

Q7: Whether the care-taker Mr.Baskar is a qualified person for taking care of the person during medical needs?

A: Yes.

Q8: Whether he is a male nurse?

A: No. He is a care-taker.

Q9: How did you say he is a qualified person and do you have any proof and whether any certificate provided by the said company?

A: He was working in the company and no certificate was provided.

Q10: On which date you approached SJBS Health Service Pvt.Ltd to appoint care-taker?

A: 11.05.2021

Q11: How did you approach the SJBS Health Service Pvt.Ltd?

A: I applied through online. Witness adds: We collected phone number from online and enquired for appointment of care taker.

Q12: Whether you or your brother contacted SJBS Health Service Pvt.Ltd?

A: Myself

Q13: How much charges they claimed?

A: Rs.25,000/- for 10 days.

Q14: From which date you appointed their service?

A: From 11.05.2021 to 23.05.2021

Q15: When your uncle died?

A: 23.05.2021

Q16: How much you paid for the service of the care taker on the whole?

A: Rs.25,000/-

Q17: Please refer answer to the Q.No.14 as per your answer the service of care taker was availed totally 13 days. Is it right?

A: Yes.

Q18: Whether you got any permission from the Government doctors to appoint a care taker to your uncle at the Tambaram Government Hospital were he admitted?

A: No.

Q19: Whether without permission of the doctor in a Government Hospital a care taker can be appointed for a patient?

A: Yes.

Q20: What is the basis for answer to the Q.No.19?

A: Nobody available to take care of my uncle. I was in quarantine.

Q21: Do you think Government Hospital is not having sufficient facilities to take care of your uncle Mr.Venkatesan that is why you have appointed a care taker?

A: Yes.

Q22: When your father Mr.Ramachandran was affected Covid he was admitted in a private hospital. Is it right?

A: Yes.

Q23: Is it right to state that you have not filed the proof for payment made to care-taker before this Court?

A: Yes. Witness adds: I filed the invoice now.

Q24: In para 4 of your additional proof affidavit you have stated that there was a whatsapp group consisting of yourself, your uncle Mr.N.Venkatesan, your brother Mr.Thirumalaikumar and caretaker Mr.N.Baskar from 12.05.2021 to 21.05.2021. Is it right?

A: Yes.

Q25: (Ex.P35 is shown to the witness) In 65B certificate filed in support of Ex.P35 in para 4 you have stated that you filed clear photo of your uncle along with snapshot of the whatsapp group but in Ex.P35 two photos are screenshots of whatsapp message to your personal number

A: Yes. Witness adds: I received through my personal number and I printed it digitally in the photo studio.

Q26: I put it to you that the above said facts stated in your 65B certificate and Ex.P35 are entirely different. So Ex.P35 cannot be consider as a valid evidence.

A: I deny. Witness adds: Both the documents are same.

Q27: In your sec. 65B certificate at para 3 you have stated that your brother Mr.Thirumalaikumar had saved this Ex.P35 and shared it to your mobile phone model Moto G75 5G. Is it right?

A: Yes.

Q28: In reference to your answer to the Q.No.27 I put it to you that you are not part of any whatsapp group created for your uncle and that is why you do not have any alleged photos and you filed the photos which were shared by your brother Mr.Thirumalaikumar?

A: I was a member of the whatsapp group. But now I do not have that phone and number.

Q29: (Ex.P35, Ex.P37, Ex.P38, Ex.P39 and Ex.P41 are shown to the witness) When you got these photographs from your brother?

A: In between the cross of mine in earlier occasion.

Q30: Who took these photographs in Ex.P35, Ex.P37, Ex.P38, Ex.P39 and Ex.P41?

A: Mr.Baskar, care taker.

Q31: I put it to you that you did not present at the time of taking photographs so you are not competent to give evidence which is only on the basis of photos shared by your brother

A: I deny.

Q32: I put it to you that these photographs in Ex.P35, Ex.P37, Ex.P38, Ex.P39 and Ex.P41 are forged evidence and not supported by any proper certificate under the evidence act?

A: I deny.

Q33: I put it to you that the person who took a photos have to give evidence and not by you.

A: I only can say.

Q34: (Ex.P36 and Ex.P40 are shown to the witness) Please see and tell this Court that the Tax Invoice given by SJBS Healthcare Pvt.Ltd, Ex.P36 and invoice given by SJBS Home Healthcare Pvt.Ltd, Ex.40 are different.

A:Yes. There is a difference in the name.

Q35: (Ex.P36 is shown to the witness) Is the GST No. provided by the company SJBS Health care Pvt. Ltd in Ex.P36 invoice?

A: No.

Q36: Is there any reference to number of days and amount in Ex.P36?

A: Yes. It referred as 4 PCS.

Q37: I put it to you that Ex.P36 is a manual invoice signed by the service provider and not an electronic evidence as referred in your Sec.65b certificate filed in support.

A: I deny. Because it is a email printout.

Q38: Did you file any email copy to substantiate your answer to the Q.No.37?

A:No.

Q39: In Ex.P36 it is mentioned "original for recipient" on the top of the document. As per this recitals the original must be with you. What do you say?

A: They sent the document through the email and not directly.

Q40: (Ex.P36 is shown to the witness) Is there any reference in Ex.P36 that the invoice was raised as an initial invoice?

A: No.

Q41: I put it to you that since Ex.P36 is a Non-GST Bill and it cannot be taken as a valid evidence.

A: I deny.

Q42: Whether SJBS Health Care Pvt Ltd provided you any quotation?

A: It was orally informed.

Q43: Whether care-taker N.Baskar signed as a witness in the disputed Will dated 14.05.2021?

A: Yes.

Q44: (Ex.P35,37,38,39 and Ex.P41 is shown to the witness) Please see Ex.P35,37,38,39 and Ex.P41 and tell this Court all the photos are shared by your brother recently. Is it right?

A: Yes.

Q45: I put it to you that the above said documents referred in Q.No.44 cannot be taken as valid evidence

A: I deny.

Q46: I put it to you that Ex.P35, 37,38,39 and Ex.P41 are forged document and it is cannot be taken as a valid evidence.

A: I deny.

Q47: (Ex.P40 is shown to the witness) Is there any reference to “balance number of days and balance amount collected” in Ex.P40?

A: No.

Q48: Is Ex.P40 was signed by the service provider?

A: No.

Q49: (Ex.P40 is shown to the witness) Please see Ex.P40 and top of it, it is stated that except invoice number and date rest of the columns are left blank without filing details

A: Yes.

Time: 04.00 P.M

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

ADDITIONAL MASTER-III