

BEFORE THE MASTER,
HIGH COURT, MADRAS.

O.P.No.716 of 2023

DATE : 18.03.2025

TIME : 11.30 A.M.

Evidence of Mrs.Radha, P.W.1, aged 38 years, W/o.Mr.E.Sadhasivam, residing at No.60, Gangaianman Koil Street, Thalakanikuppam, Vanur Taluk, Villupuram District, Karattai Post, Tamil Nadu 604154, temporarily come down to Chennai.

Cross Examination by

Ms.N.Nagu Shah, (Enrl.No.382/1974), Counsel for the Respondents.

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SOLEMNLY AFFIRMED :

Is it correct to state that I am the 2nd petitioner. Is it correct to state that the 1st petitioner is my husband. In this petition I am alone going to depose and my husband will not. Now my husband is in this court hall. There is no specific reason for my husband not deposing in this petition. I only discussed about the case details with my counsel and not my husband. My educational qualification is 10th std and My husband's educational qualification is 5th std. My husband is aware of the averments stated in the petition. My counsel prepared the petition based on the instructions given by me later my counsel read over and explained the petition averments to me in tamil. My husband

has one elder brother and one younger brother. The 1st respondent is the elder brother of my husband. The 2nd respondent is the wife of the 1st respondent. The name of my husband's younger brother is Mr.Lakshmipathi. He got married. The name of Mr.Lakshmipathi's wife is Mrs.Poorani. The marriage between 1st respondent and his wife was solominized in 2002. The 1st and 2nd respondants have one son by name Mr.Saravanan. Mr.Saravanan was born in 2006. I got married on 5.02.2007. It is correct to state that I got married after one year from the birth of Mr.Saravanan. Mr.Lakshmipathi got married in 2012. They have no issues. I begot three female children and one male child. It is correct to state that I begot three female children first thereafter my son was born to me. My first daughter was born on 1.11.2007. It is incorrect to say that after begotted to the 1st daughter I got abortted twice. My husband is a farmer and also letting tractor for rental purpose. I am doing the business of tailoring. First my husband purchased a tractor in 2004. After selling the same he purchased the another in 2018. At the time of our marriage my husband was at the age of 30. My husband has individual properties. We have one acre of eucalyptus garden in our village at Thalakanikuppam and another property, a plot at Nagarkulam. We also have a housing land measuring an extent of 0.48 cents in Thalakanikuppam. The plot at

Nagarkulam and the eucalyptus garden at Thalakanikuppam were purchased in the year 2008. I deny the suggestion that my husband has not purchased any property in Thalakanikuppam and Nagarkulam as I stated. It is incorrect to say that my husband has no immovable property in his name. It is correct to say that joint family property of my husband and his brothers is also available. It is correct to say that the property is at Thalakanikuppam. It is correct to say that the property is to the extent of 10 acres of agriculture land. It is correct to say that the Mrs.Bhuvaneswari, the wife of 1st Respondent had some land in Thalakanikuppam village. Witness adds; it was about one acre of cashew garden. They sold the property to us for starting a new business company but the same is not registered. They received the sale consideration amount. It is correct to say that we are enjoying the property till now. I deny the suggestion that Mrs.Bhuvaneswari did not sell the property to me and did not receive any sale consideration from us. The 1st Respondent is at Dubai from 2002, his wife went to Dubai in 2009. I deny the suggestion that the wife of 1st Respondent is at Dubai from the date of the marriage in 2002 and she never resided her mother's place in Chennai. It is correct to say that the younger brother of my husband worked at Dubai for a while. He got married in 2012 and again went to Dubai. I deny the suggestion that the younger

brother of my husband didn't go to Dubai after marriage in 2002 and settled at Chennai. Mr.Lakshmipathi went to Dubai in 2012 and returned in 2019 and settled at Chennai. It is correct to say that we asked for the passport of Mr.Lakshmipathi in Application No.2865 of 2024. It is correct to say that they provided. I have seen the passport of Mr.Lakshmipathi. It is correct to say that one of the brothers of my husband is at Dubai and another one is at Chennai and they never resided permanently at Thalakanikuppam. It is incorrect to say that we are only enjoying the entire joint family property and also one acre of cashew garden belongs to Mrs.Bhuvaneswari at Thalakanikuppam till now. Witness adds; my father-in-law gifted us 3 acres of land as our share and we have been enjoying only the same and cultivating the same. Mrs.Bhuvaneswari after receiving the sale consideration for cashew garden from us subsequently sold the same to some third party in the year 2023. It is correct to say that apart from the 10 acres of the agriculture land we have two houses at Thalakanikuppam out of which one was purchased by my father-in-law and another was constructed jointly by the family. It is incorrect to say that the constructed house was constructed by the funds given by the 1st Respondent and my husband did not give any amount for the construction. Witness adds; My husband also gave his share amount. I do not remember the exact date when the amounts were

given but during the process of construction we gave amounts in parts for the purchase of materials for the construction. It was constructed before 8 to 9 years. We have no other property except the two houses and 10 Acres of land. It is correct to say that no partition is effected till now between my husband and his brothers for the joint family properties.

(Cross examination deferred at request)

TIME : 12.20 P.M.

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

APN

MASTER