

BEFORE THE MASTER,
HIGH COURT, MADRAS.

C.S.No.21 of 2023

DATE : 18.11.2025

TIME : 12.05 P.M.

Evidence of Mr.N.Sathyanarayana, P.W.1, aged 58 years,
S/o.Krishanaichetty, residing at No.T/A-45, Anna Fruit Market,
Koyambedu, Chennai 600 107.

Cross Examination by

Mr.R.Jagadeesan, (Enrl.No.346/2011), Counsel for the Defendants.

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SOLEMNLY AFFIRMED :

Q:Have you signed the plaint and the proof affidavit after reading and
completely understanding it?

A:Yes. Witness adds: After my counsel explained me, I signed them.

Q:What business are you running?

A:I am a Fruit Merchant.

Q:In which area, are you running the fruit business?

A:In Koyambedu market.

Q:Is it a wholesale business?

A:Yes.

Q:What is your income per day/month? (The counsel for the plaintiff has raised an objection stating that it is not relevant to this suit and there is no pleadings in the written statement of the defendants)

A:It depends on the nature of the seasonal fruits. So, I cannot tell the exact amount.

Q:Have you entered into any lease agreement with the bank?

A:No. Witness adds: Bank has given me some papers.

Q:(Proof affidavit is shown to the witness) In Para 5 of your proof affidavit, you have stated that you have requested the Bank Officers to pay fair rent.

Have you filed any document to prove the same?

A:No.

Q:Have you filed any proof for the statement, in Para 7 of your proof affidavit saying that I have waived the interest as per the defendants request?

A:No. It was only an oral request.

Q:(Ex.P3 is shown to the witness) have you signed this document?

A:Yes.

Q:(Clause -5 at Page 3 of Ex.P3 is shown to the witness) When did you withdraw W.P/Appeal/Suits as mentioned in Ex.P3?

A:Since, the defendants did not pay any amount until two years, I did not withdraw any case. Witness adds: After the court order, the defendants immediately paid 25% only and the balance amount was paid to me after two years.

Q:Have you filed the above said court order before this court?

A:Witness identified Ex.P1 as the court order. After perusing the documents filed along with the plaint, witness stated that I have given all the documents to my counsel, but I do not know which is pertaining to that order.

Q:I put it to you that there is no such court order and you are falsely deposing before this Court?

A:I deny.

Q:(Clause-6 of Ex.P3 is shown to the witness) you have mentioned in Clause-6 of Ex.P3 that “The Petitioner agrees to withdraw RCA 9 of 2009 on the file of Sub Court, Poonamallee and Petition filed under section 10 of the Tamil Nadu Registration of Rights and Responsibilities of Land Lord and Tenants Act, 2017 and produce the order copy well before 31.12.2021 to enable respondents 1 and 2 to release the balance payment” When have you filed the copy of the order ?

A:I have filed the documents, but I am unable to identify it.

Q:As per Ex.P3, the bank is supposed to pay Rs.51,63,073/- to you when did they pay the said amount?

A:In 2024.

Q:(Para 10 of proof affidavit is shown to the witness) Is it correct to state that you have stated in your proof affidavit that the bank has not paid the amount within time. Therefore, you have asked for the principle along with the interest?

A:Yes.

Q:Did you send any notice to the bank regarding your aforesaid statement?

A:Yes. I have sent through my counsel.

Q:Have you filed the above said notice before this court?

A:I have given all the papers.

Q:Have you filed any proof regarding the market value of the property for which you have given calculation in Page 7 of the plaint for arriving to the said amount ?

A:No. Witness adds: I did not do these calculations. I have submitted the documents to the bank, these calculations were arrived by the bank only.

Q:Have you entered into any agreement with the bank in respect of the calculations mentioned in Page 7 of the plaint?

A:No.

Q:I put it to you that this suit is not maintainable as you have not furnished any document as proof.

A:I deny.

Q:I put it to you that this suit is not maintainable as per law, as you have filed this suit without giving any prior legal notice to the defendants?

A:I deny.

Q:I put it to you that this suit has been filed only for your personal gain and unjust enrichment?

A:I deny.

Q:I put it to you that this suit is not maintainable as all the allegations mentioned by you in the plaint as well as in the proof affidavit are baseless?

A:I deny.

TIME : 01.00 P.M.

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

SR

MASTER