

**BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS**

C.S.No.73 of 2023

Date : 25.03.2025

Time : 11.40 A.M.

Name : Mr.H.Rajesh Kumar Jain(PW1)

Age : 56 Years

Father's Name : Mr.Heeralal

Residential Address : No.9-A, Parthasarathy 4th Cross Street,
Chinnasekkadu, Manali, Chennai – 600 068.

PW1 Chief Examination by Mr.G.Veerapathiran, the learned counsel for the Plaintiff.

Solemnly affirmed:

I am the Plaintiff herein. I am filing my proof affidavit stating the facts of this case and the same may be treated as part and parcel of my examination-in-chief.

Time: 11.45 A.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 – I

**BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS**

C.S.No.73 of 2023

Date : 19.06.2025

Time : 02.32 P.M.

Name : Mr.H.Rajesh Kumar Jain (PW1)

PW1 Chief Examination Continuation by Mr.G.Veerapathiran, the learned counsel for the Plaintiff.

Solemnly affirmed:

The following documents are marked as exhibits:

Ex.P1 is the Plan Approval dated 12.04.2004.

Ex.P2 is the Sale deed in favour of second defendant dated 11.07.2016.

Ex.P3 is the Sale deed executed by Dhanasekeran in favour of second defendant Valli, dated 23.09.2019.

Ex.P4 is the Construction agreement executed by Dhanasekaran in favour of Valli dated 23.09.2019.

Ex.P5 is the Undertaking agreement executed by the defendants 1 to 3 dated 23.12.2019.

Ex.P6 is the Undertaking letter executed by defendants 4 and 5 in favour of the plaintiff on the backside of the original undertaking agreement dated 23.12.2019.

Ex.P7 is the Agreement of sale executed between the plaintiff's son and the power agent of the second defendant dated 30.08.2020.

Ex.P8 is the Undertaking agreement by the first defendant dated 11.03.2022.

Ex.P9 is the Aadhaar Card of the Plaintiff. (Compared with original).

Ex.P10 is the Copy of the Plaint in O.S.No.4831 of 2022 on the file of XII Assistant City Civil Court, Chennai.

Time: 02.40 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 - I

**BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS**

C.S.No.73 of 2023

Date : 02.09.2025

Time : 11.25 A.M.

Name : Mr.H.Rajesh Kumar Jain (PW1)

PW1 Cross Examination by Ms.Prema Sudha, the learned counsel for the Defendants 1, 2,3 & 6.

Solemnly affirmed:

Q1: What is your occupation?

A: I am doing Finance Business.

Q2: Is it correct to state that you have been doing the same finance business in the year 2016 – 2020?

A: Yes.

Q3: Have you obtained license for doing finance business?

A: No.

Q4: When Dhanasekar - 4th defendant and Rajalakshmi - 5th defendant obtained loan from you?

A: In the year 2014.

Q5: What are the documents submitted by the 4th and 5th defendants at the time of obtaining Rs.1.5 crores loan from you?

A: They have not submitted any documents.

Q6: Is it correct to state that you have given the loan on interest basis?

A: Yes.

Q7: What is the rate of interest?

A: 12% Per Annum.

Q8: For how many years they have paid interest?

A: Till November 2016.

Q9: What was the amount paid towards interest?

A: I do not remember.

Q10: Is it correct to state that you have mentioned in your plaint as 4th and 5th defendant executed 3 unregistered sale deeds pertaining to 3 Flats (S7, S13 & S14) in Rajalakshmi Apartments?

A: Yes.

Q11: Is it correct to state that above 3 unregistered sale deeds were executed in your Son Akshay Kumar's and Ankith Kumar's name?

A: Yes.

Q12: Is it correct to state that the above 3 unregistered saledeed were executed for the purpose of 1.5 crores loan amount?

A: Yes.

Q13: Is it correct to state that they have not surrender the possession of the above three flats?

A: No. They have given two flats possession also.

Q14: When was the said unregistered sale deeds were executed?

A: In the year 2017.

Q15: For how long you have been in the possession of the said two flats?

A: Till 2020.

Q16: Is it correct to state that above three flats sale deeds were registered in the name of D2 Valli in the year 2019?

A: Yes.

Q17: What are the steps taken inbetween 2017 and 2019 to register the flats?

A: They have pledged the flats in the Bank and told to redeem the same.

Q18: I put it to you that on the date of registration of the three flats on 23.09.2009, D4 and D5 handed over the possession to D2?

A: I do not know.

Q19: When did you come to know about the registration in favour of D2?

A: December 2019.

Q20: In para 5 of the plaint you have stated that D4 and D5 had introduced D3 to you. Is it right?

A: Yes.

Q21: Is it correct to state that before that you do not know D1 to D3?

A: Yes.

Q22: When D4 and D5 introduced D3 to you?

A: In the month of November or December 2019.

Q23: In para 5 of the plaint you have stated that on 23.12.2019 defendant 4 & 5 introduced D1 to D3 to you. Is it right?

A: Yes.

Q24: Is it correct to state that on the same day that is on 23.12.2019 defendant 1 to 3 was given an undertaking that they will pay the loan amount of Rs.1.5 crores to you?

A: Yes.

Q25: In para 7 of the plaint you have stated that “the defendant has requested further loan amount of Rs.1.5 crores to you”. Is it right?

A: Yes.

Q26: When did they requested?

A: It is in the month of December but I do not remember the correct date.

Q27: Is it correct to state that you have accepted to lend the loan amount?

A: Yes, after receipt of security I accepted to lend the amount.

Q28: When did you given the amount of Rs.1.5 crores – second loan to the defendants 1 to 3?

A: December 2019. I do not remember the date.

Q29: What are all the documents you have received at the time of disbursement of loan amount?

A: Parent documents in the name of Valli.

Q30: Is it correct to state that you have paid the loan amount on the date of request itself?

A: Yes.

Q31: What is the mode of payment of Rs.1.5 crores?

A: Through cash by different dates.

Q32: How many payments you have made?

A: 10 to 15 installments.

Q33: What is the duration to pay the amount of Rs.1.5 crores?

A: Continuously in 15 days.

Q34: What is the payment of each day?

A: Sometimes Rs.25 lakhs and I do not remember the other payments.

Q35: Is it correct to state that you have paid more than Rs.10,00,000/- at one time?

A: No. I have paid Rs.5,00,000/- also.

Q36: Is it correct to state that as per the Government Rules, more than Rs.20,000/- to be paid through cheque only?

A: At that time there was no such rule.

Q37: Are you an Income-Tax assessee?

A: Yes.

Q38: Have you filed the Income-Tax return for the assessment year 2019 - 2020?

A: Yes.

Q39: Have you shown the Rs.1.5 crores in your income-tax return for the year 2019 – 2020?

A: No.

Q40: I put it to you that you have not filed any proof to show that you have paid Rs.1.5 crores to the defendants?

A: No.

Time: 11.55 P.M

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

ADDITIONAL MASTER – I

**BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS**

C.S.No.73 of 2023

Date : 30.10.2025

Time : 11.20 A.M.

Name : Mr.H.Rajesh Kumar Jain (PW1)

PW1 Cross Examination Continuation by Ms.Prema Sudha, the learned counsel for the Defendants 1, 2,3 & 6.

Solemnly affirmed:

Q41: Is it correct to state you have not stated the fact that you have answered to the above question that you have paid the amount into 10 or 15 installments in the Plaint?

A: Yes. It is not mentioned.

Q42: Is it correct to state that you have not filed any proof to prove the transaction of the amount Rs.1,50,00,000/-?

A: Yes.

Q43: Have you maintaining any ledger for the financial transaction?

A: Yes., I am maintaining my ledger account.

Q44: Is it correct to state that you have noted the amount paid to the defendants 1 to 3 in the ledger account maintained by you?

A: Yes.

Q45: Is it correct to state that you have not filed the above mentioned ledger in this case?

A: Yes, but if necessary I am ready to produce the ledger account.

Q46: Is it correct to state that in that ledger account you have mentioned the number of transaction of the amount you paid to the D1 to D3?

A: Yes.

Q47: Are you ready to produce the ledger maintained by you?

A: Yes.

Q48: Is it correct to state that you have not mentioned in the Plaint or proof affidavit that you are maintaining the ledger for the financial transaction with the defendants?

A: Yes.

Q49: In which place you have paid the Rs.1,50,00,000/- to the defendants?

A: Some installments in my house and some installments are in State Bank of India Kodunkaiyur Branch and sometime in ATM.

Q50: Is it correct to state that you have received the undertaking only after paying the entire amount in 15 installments from the defendants?

A: Yes.

Q51: So, I put it to you that you have not received any written proof from the defendant and paid the entire amount of Rs.1,50,00,000/-?

A: I have received the property documents of the defendants from the defendant.

Q52: I put it to you that you have paid the Rs.1,50,00,000/- without any written proof?

A: Yes. I have paid the amount in Trust without any proof.

Q53: For how long you have been in acquittance with the defendants 1 to 3?

A: 6 to 7 months. They have been introduced to me by defendants 4 and 5.

Q54: You have obtained the undertaking on 23.12.2019. Is it correct to state that you know the defendants 1 to 3 from the month of June?

A: I do not remember correctly, May or June month.

Q55: Is it correct to state that all the defendants 1 to 3 were present and received the amount in all the installments?

A: First defendant alone received the entire amount.

Q56: Is it correct to state that you have not signed in the undertaking dated 23.12.2019 (Ex.P5)?

A: Yes.

Q57: Is it correct to state that in Ex.P6 date of execution has not been mentioned?

A: It was given on the same day i.e., on 23.12.2019.

Q58: In Ex.P6 it was mentioned as till 23.09.2019 the interest has been paid fully. Is it correct?

A: Yes.

Q59: Is it correct to state that Ex.P6 undertaking has been agreed by the plaintiff and all the defendants?

A: Yes.

Q60: Is it correct to state that D1, D4 and D5 had signed in Ex.P6?

A: Yes.

Q61: In Ex.P6 witness signature has not been obtained. Is it right?

A: Yes.

Q62: In para 4 of the plaint you have stated that “*Defendants 4 and 5 executed a sale deed of undivided share in the land in favour of the second defendant with respect to 6 flats bearing nos. S1, S7, S13, S14, S15 and S20 without the plaintiff's knowledge*” Is it right?

A: Yes.

Q63: In Ex.P6 it was mentioned as that the sale of 6 apartments was executed with the consent of Rajesh (Plaintiff) in favour of the Ramesh (D1). Is it right?

A: Yes. It was written after execution of the sale deed. I do not know about the registration.

Q64: Is it correct to state that Ex.P6 is written with your consent?

A: Yes.

Q65: Who written Ex.P6 document?

A: One Mr.Lakshmanan.

Q66: Who is Mr.Lakshmanan?

A: He is my friend.

Q67: Is it correct to state that Ex.P7 is the Sale Advance amount agreement?

A: Yes.

Q68: Is it correct to state that Ex.P7 was executed between your son and D6 (Saravana Kumar)?

A: Yes.

Q69: Is it correct to state that in the said agreement your son has signed as Purchaser?

A: Yes.

Q70: In Ex.P7 page 3, it was mentioned as the title deeds (with respect to doc No. 4259 of 2016) of the schedule property and other title documents power of attorney deed were handed over to your son on the date of execution of Ex.P7 by Saravana Kumar?

A: Yes, it was mentioned but no documents was handed over to my son by Saravana Kumar. But the documents were given by Ramesh.

Q71: When the documents were handed to you?

A: 15 days prior to the execution of Ex.P7.

Q72: Is it correct to state that you have lodged a complaint against D1 to D6 before CCB, Avadi and it was registered in Crime No.15/2022?

A: Yes.

Q73: In the complaint before CCB, Avadi, you have mentioned as that for the amount of Rs.1,50,00,000/- paid to D4 and D5 and they inturn executed unregistered sale deed with respect to S7, S13 and S14 flats in favour of your Son. Is it right?

A: Yes.

Q74: Is it correct to state that the sale price fixed for each flat was Rs.50,00,000/-?

A: The sale price was not so. But in complaint it was wrongly mentioned. They have left the other three flats numbers. Each flat sale price was Rs.35,00,000/- only.

Time: 12.10 P.M

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

ADDITIONAL MASTER – I

**BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS**

C.S.No.73 of 2023

Date : 05.02.2026

Time : 12.55 P.M.

Name : Mr.H.Rajesh Kumar Jain (PW1)

PW1 Cross Examination Continuation by Ms.Prema Sudha, the learned counsel for the Defendants 1, 2,3 & 6.

Solemnly affirmed:

Q75: Is it correct to state that you have given a complaint against the D1 to D4 and D6 before Avadi CCB on 08.07.2022 and the same was registered in Crime No.15/2022 and the investigation was still pending?

A: Yes.

Q76: Is it correct to state that during the above police investigation you have stated as Dhanasekar has executed three unregistered sale deeds related S7, S13 and S14 flats equivalent to the value of Rs.1,50,00,000/-?

A: Yes.

Q77: In para 9 of your plaint you have stated that “on the very same day the defendant 1 to 3 has also handed over entire title deeds along with documents of their schedule B property at No.1/3, South Avenue Street, Muthamil Nagar, Kodungaiyur, Chennai. Is it right?

A: Yes. It was handed over during December 2019.

Q78: Whether any acknowledgment was given by the defendant 1 to 3 for handing over the documents?

A: No.

Q79: Is it correct to state that in Ex.P5 defendants 1 to 3 were alone signed?

A: Yes.

Q80: But the stamp paper of Ex.P5 was purchased in your name. Is it right?

A: Yes.

Q81: Is it correct to state in Ex.P6, D1, D4 and D4 were signed but D2, D3 and plaintiff were not signed?

A: Yes.

Q82: Is it correct to state that in Ex.P6 the document were executed by plaintiff and D1 to D5?

A: Yes.

Q83: But in Ex.P6, D1, D4 and D5 only signed. Is it right?

A: Yes.

Q84: Is it correct to state that you and D2, D3 were not signed in Ex.P6?

A: Yes.

Q85: Is it correct to state that no witness signature in Ex.P5 was obtained?

A: Yes.

Q86: Is it correct to state that in Ex.P7 it was mentioned as the original title documents of Muthamil nagar property was handed over to your son by D6?

A: Yes, it was mentioned but the documents were already handed over to me.

Q87: Is it correct to state that in Ex.P8 Ramesh alone signed?

A: Yes.

Q88: Who are the witnesses to Ex.P8?

A: Lakshmanan and his two friends.

Q89: I put it to you that D1 to D3 have not received any amount from you.

A: I deny.

Q90: I put it to you that D1 to D3 were given undertaking on behalf of the money borrowed by D4 and D5 from you?

A: I deny. All the defendants have borrowed money.

Q91: I put it to you that you have not produced any documents to prove that D1 to D3 have borrowed money from you?

A: I deny.

Q92: I put it to you that at present market value of Flats in S1, S7, S13, S14, S15 and S20 is Rs.6000/- per sq.ft.

A: I deny.

Q93: I put it to you that D4 and D5 have borrowed money from you on the strength of the flats in S1, S7, S13, S14, S15 and S20?

A: I deny. No they have executed the 3 unregistered sale deeds for the amount of Rs.1,50,00,000/-.

Q94: I put it to you that D4 and D5 have borrowed Rs.1,50,00,000/- from you and Rs.1,00,00,000 was borrowed by D4 and D5 from D6. This amount of Rs.2,50,00,000/- has been undertaken by D1 to D3.

A: I deny.

Q95: I put it to you that Ramesh had received any money from you he had given only undertaking for the above said amount now he is willing to give the S1, S7, S13, S14, S15 and S20 flats for the amount he had undertaken.

A: I deny.

Time: 01.30 P.M

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

ADDITIONAL MASTER – I

**BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS**

C.S.No.73 of 2023

Date : 15.04.2026

Time : 12.10 P.M.

Name : Mr.H.Rajesh Kumar Jain (PW1)

PW1 Cross Examination Continuation by Ms.Namratha, the learned counsel for the Defendants 4 & 5.

Solemnly affirmed:

Q96: What are the reliefs sought for in the present suit?

A: For recovery of money.

Q97: Plaintiff is shown to the witness. Have you claimed any relief against D4 and D5?

A: Yes, I have claimed relief against all the defendants.

Q98: I put it to you that you have not claimed any particular relief against D4 and D5?

A: I deny.

Q99: In page No.14 of the Plaintiff in the 3rd prayer, you have claimed that “consequently direct the defendants to handover and deliver vacant possession of the schedule B and C properties”. From which defendant you have claiming the vacant possession?

A: I am claiming vacant possession from all the defendants.

Q100: I put it to you that you have falsely impleaded D4 and D5 in this case since you have not claimed particular relief against D4 and D5 and the suit against D4 and D5 has to be dismissed.

A: I deny, suit has to be decreed.

Time: 12.20 P.M

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

ADDITIONAL MASTER – I