

**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