

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS

T.O.S.No.39 of 2023

Date : 03.12.2024

Time : 12.05 P.M.

Name : Mrs.Hema Srinivasan (PW1)

Age : 75 Years

Husband's Name : Mr.K.Srinivasan

Residential Address : 6N, Sanjivini Apartments, 72/1, L.B. Road,
Thiruvanniyur, Chennai 600 041.

PW1 Chief Examination by Mr.K.Balamurali, 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. The following documents are marked as exhibits.

Ex.P1 is the Original Will executed by A.Venkataraman dated 22.03.2022. (The document marked subject to proof and admissibility of the learned counsel for the defendants objection).

Ex.P2 is the computer generated Death Certificate of A.Venkataraman dated 05.09.2022.

Ex.P3 is the Sale Deed registered as Doc.No.253 of 1997 dated 09.04.1947 executed by T.K.Lakshmipathy and as guardian for his two minor sons, in favour of K.Arunachalam in SRO, T.Nagar. (Compared with original).

Ex.P4 is the Death Certificate of K.Arunachalam dated 05.04.1999. (Compared with original).

Ex.P5 is the Legalheirship Certificate of K.Arunachalam dated 19.10.2004. (Compared with original).

Ex.P6 is the Release Deed executed by 2nd and 3rd Defendants along with plaintiff registered as Doc.No.800 of 1986 in SRO T.Nagar in favour of first defendant and A.Backiayalakshmi and A.Venkataraman dated 18.08.1984. (Compared with original).

Ex.P7 is the extract from the Town Survey Land Register dated 23.03.2005. (Compared with original).

Ex.P8 is the Deed of Partition registered as Doc.No.984 of 2006 in SRO T.Nagar dated 19.04.2006. (Compared with original).

Ex.P9 is the print out of the Property Tax Assessment Order for Schedule Property dated 15.06.2022. (Section 63 of BSA produced).

Ex.P10 is the Circular issued by Commissioner of Revenue Administration regarding issuance of Legalheirship Certificate dated 09.08.2017. (The document marked subject to proof, admissibility and relevancy of the learned counsel for the defendants objection).

Ex.P11 is the print out of the Encumbrance Certificate for the period of 16.02.2006 to 28.10.2024. (Section 63 of BSA produced).

Ex.P12 is the printout of the Death Certificate of A.Backiyalakshmi dated 08.10.2022. (Section 63 of BSA produced).

Ex.P13 is the printout of the Guideline value of Immovable Property dated 13.10.2022. (Section 63 of BSA produced).

Ex.P14 is the printout of the Death Certificate of A.Ravi dated 17.04.2021. (Section 63 of BSA produced).

Ex.P15 is the photocopy of the Nomination given by second defendant to State Bank of India dated 18.06.2021.

Ex.P16 is the Pendrive containing the contents of the voice recordings of Late Venkatraman from his Mobile Phone along with section 63 BSA Certificate. (The document marked subject to proof, admissibility, and relevancy and regarding genuiness, disputing the contents, documents has no pleading of the learned counsel for the defendants).

Ex.P17 is the photocopy of the Legal Notice issued by the defendant counsel to the plaintiff's son dated 10.10.2022.

Ex.P18 is the Reply Notice issued to the Notice issued by the plaintiff's son with acknowledgment card dated 12.10.2022.

Ex.P19 is the true copy of the Legal Notice issued by the Plaintiff to the Defendants dated 20.10.2022.

Ex.P20 is the Reply Notice issued by the Defendants to the plaintiff counsel with acknowledgment card dated 29.10.2022.

Ex.P21 is the Rejoinder Notice from the defendant counsel to the plaintiff's counsel dated 21.11.2022.

Ex.P22 is the office copy of the Reply to the Rejoinder from the plaintiff to the defendant counsel in response to the reply notice dated 29.10.2022 dated 14.12.2022.

Ex.P23 is the Reply to the Rejoinder from the plaintiff to the defendant counsel in response to the Rejoinder dated 21.11.2022 Notice dated 29.10.2022.

Time: 12.50 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

T.O.S.No.39 of 2023

Date : 03.01.2025

Time : 03.00 P.M.

Name : Mrs.Hema Srinivasan (PW1)

PW1 Cross Examination by Mrs.Chitra Sampath, Senior Counsel for T.S.Baskaran, counsel for the Defendants.

Solemnly affirmed:

Q1: What is your educational qualification?

A: P.U.C. Pass.

Q2: What is the educational qualification of your sister Suseela?

A: S.S.L.C pass.

Q3: What is the educational qualification of your sister Padmini Rajaram?

A: S.S.L.C pass.

Q4: What is the educational qualification of your brother Venkatraman?

A: B.Sc., M.A.Economics., CAIIB, Costing, M.C.A., L.L.B., M.L.,.
He also registered himself as a Lawyer.

Q5: When did your brother acquire all these qualifications?

A: First he did B.Sc., When he was working in Bank he did CAIIB.
He did the remaining courses through Indira Gandhi Open University.

Q6: Can you recollect and tell when your brother Venkatraman acquired these qualifications?

A: I cannot say with certainty.

Q7: Was your brother Venkatraman employed in Syndicate Bank?

A: Yes. He worked there initially.

Q8: Did he continue with Syndicate Bank?

A: He was transferred several times and in order to take care of his mother he took VRS and stayed back in Chennai.

Q9: What is the qualification of your brother Subramaniam?

A: B.E. Civil Engineering.

Q10: What was your husband doing?

A: He has retired from Bank of Baroda.

Q11: How many children do you have?

A: I have 3 children. One son and two daughters. My son's name is Harikrishnan, One of my daughter is Sowmiya and she is no longer alive. Another daughter is Nirmal and she is in U.S.A.

Q12: Has your son Harikrishnan accompanied you to the Court today?

A: Yes.

Q13: Is the person sitting behind you is Harikrishnan?

A: Yes.

Q14: How many children does Padmini Rajaram have?

A: 4 daughters.

Q15: Where are they residing?

A: First daughter is in Australia and the remaining three are in U.S.A.

Q16: When Padmini Rajaram husband die?

A: He died during the COVID times. I do not recollect the exact year.

Q17: Till the death of her husband where did Padmini Rajaram reside?

A: Padmini Rajaram and her husband were residing in Bombay where they owned a Flat. Later, they were mostly staying with their daughters outside India. They had let out the property in Bombay.

Q18: How frequently Padmini Rajaram comes to Chennai to meet you?

A: She comes whenever it is possible for her and sometimes in a span of two years also.

Q19: When did you meet Padmini Rajaram last?

A: I met her at the time when ceremonies of my mother took place.

Q20: When did Suseela's husband Ravi die?

A: He also died during COVID times. I do not recollect the year.

Q21: Can you recollect and say whether Padmini Rajaram husband died first or Suseela's husband died first?

A: I do not remember.

Q22: What was husband of Suseela, Mr.Ravi was doing for his avocation?

A: He was an Interior Designer.

Q23: Are you aware whether Ravi had left any immovable property for Suseela?

A: I vaguely recollect that a landed property was there, in and around Kancheepuram. Witness Adds: Approximately 1 ground of land at Kattuppakkam was purchased in the name of Suseela by my brother Subramaniam.

Q24: Beside immovable property, what other assets were left for Suseela by her husband Ravi?

A: Ravi had purchased jewels for Suseela which were available with her. He had left some Mutual funds and shares.

Q25: Who informed you about the above details of property inherited by Suseela?

A: When Suseela and myself talk casually and she had informed me about it.

Q26: How old was your mother when she died?

A: She was 99 years old.

Q27: Do you remember the date of death of your mother?

A: 22nd September 2022.

Q28: Who was cooking for your brother Venkatraman and your

mother?

A: Till my mother was mobile she was cooking. Later when she was ailing, my sister Suseela used to bring cooked food from her house or cook at Venkatraman's place depending upon the requirement and convenience. Sometimes, Venkatraman used to cook for himself and he used to call me to know the receipe. I used to come once in a week and stay with my mother for a couple of days. At that time Suseela will bring food for us or I will go and eat in the house of Suseela.

Q29: Is it correct to state that Venkatraman's three middle toes of the left leg had been amputated?

A: Yes. Witness Adds: It is because of sugar complaint.

Q30: Do you recollect when the amputation was done to Venkatraman?

A: It must be about an year or months prior to his death.

Q31: Did Venkatraman was diagonised with heart disease?

A: Yes. Witness Adds: Initially he was found to have diabetes. Family doctor Nandakumar diagonised Venkatraman has Heart problem. I regualarly consult Dr.Ayyappan in BSS Hospital. On the advise of Nandakumar my son took Venkatraman for treatment to Dr.Ayyappan.

Q32: Can you recollect and say the month and year of the above diagnosis to Venkatraman?

A: It was all in the span of one year prior to his death.

Q33: Is it correct to state that Venkatraman was affected by

COVID?

A: No.

Q34: What is the educational qualification of your son Harikrishanan?

A: B.Sc., M.B.A., from Madras University.

Q35: Where was he employed and where is he employed now?

A: Initially he was working in some Software companies. Presently he is working for Accenture.

Q36: Is it correct to state that your son Harikrishnan has a passion for drawing and painting?

A: Yes. Witness Adds: He is not presently doing any art work.

Time: 03.45 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

T.O.S.No.39 of 2023

Date : 23.01.2025

Time : 03.35 P.M.

Name : Mrs.Hema Srinivasan (PW1)

PW1 Cross Examination Continuation by Mrs.Chitra Sampath, Senior Counsel for T.S.Baskaran, counsel for the Defendants.

Solemnly affirmed:

Q37: For how long your son has been working in Accenture?

A: I do not know. He has changed his job now.

Q38: Is it correct to state that your sister Susila and her husband Ravi residing in the first floor of the house of your brother Subramaniam for around 10 years prior to the death of Ravi?

A: They were living there for a quite long time after the death of Ravi Susila continued to live there.

Q39: The first year anniversary of Ravi was celebrated at which place?

A: I do not remember.

Q40: When your brother Venkatramam died were you in Chennai?

A: No. I was in U.S.A.

Q41: Do you recollect as to whether the subhasweegaram ceremony of Ravi was celebrated at home or elsewhere?

A: I do not recollect.

Q42: Is your brother Venkatraman proficient in English?

A: Yes. He is proficient in English.

Q43: Is your brother Venkatraman holding certificate of practice from the institute of Company Secretaries of India?

A: Yes.

Q44: How many cell phones your brother Venkatraman had?

A: More than one. I do not know how many.

Q45: Do you have a mobile with you?

A: Yes.

Q46: How many numbers of your brother Venkatraman you have stored in your mobile?

A: I was having several numbers of my brother, After enquiring with him I noted a number as present number (Pr).

Q47: Is it correct that your brother Venkatraman had appointed his brother Subramaniam as nominee for his Bank Account with ICICI Bank at T.Nagar?

A: Yes. But I do not know.

Q48: Is it correct that after the death of Venkatraman, Subramaniam received the amount from ICICI Bank and distributed the same among his 3 sisters and himself?

A: Yes.

Q49: When did you get knowledge about the alleged Will of Venkatraman?

A: I came to know about the Will on the date of execution, 22.03.2022 when my son brought the Original Will and handed it over to me.

Q50: Did you disclose the existence of the alleged Will of Venkatraman immediately after his demise to your brother and sisters?

A: I did not disclose it at that time.

Q51: Ex.P17 is shown to the witness. Are you able to read and understand the contents of Ex.P17?

A: It will take some time for me.

Q52: Ex.P17 is shown to the witness. Is it correct that this is the notice issued by your brother Subramaniam to your son Harikrishnan asking for copy of the alleged Will?

A: Yes. I was made to understand that I should not disclose or furnish a copy of the Will before getting an order of probate from the Court. So I did not give a copy.

Q53: Where was the funeral ceremonies of your brother Venkatraman performed?

A: I am not able to recollect correctly. It may be at Gnanavyabi near Bogg Road, T.Nagar.

Q54: Who performed the ceremonies of your brother Venkatraman?

A: My brother Subramaniam.

Q55: Are you familiar with the signature of your brother Venkatraman?

A: I know it to an extent.

Q56: Will your brother Venkatraman sign his full name with all alphabets decipherable in the signature?

A: Yes. The entire letters in his name is readable in his signature.

Q57: When did you see him affixing his signature in any paper?

A: There was no occasion for me to get signature from my brother Venkataraman.

Q58: Proof Affidavit is shown to the witness. In para 20 you have mentioned that your brother Venkatraman was giving Rs.10,000/- per month to his sister Suseela. For how long and till what date was your brother paying the said sum to your sister Suseela?

A: My brother Venkatraman might have helped her even before the death of her husband Ravi. He has been taking care of her including her medical needs till he died.

Q59: Is it correct that your sister Padmini Rajaram had been paying money to your mother for her expenses till she died in 2022?

A: No.

Q60: Do you know who is having custody of all the cellphones of your brother Venkataraman?

A: I do not know.

Q61: Do you know what type of phone he was using?

A: He was using an Android Phone and the last one was One Plus One to which number I used to call.

Q62: What is the door number of the house of your brother Venkataraman?

A: Old No.20/1, New No.22/1.

Q63: Since when the new number was brought?

A: I think the new number was given after the entire house was demolished and reconstructed.

Q64: Was your brother Venkataraman actively working as a Company Secretary till he died in 2022?

A: Yes.

Q65: Is it correct that he had lot of books, notebooks, letter pads, plain sheets at his house?

A: Yes. It is correct. Witness Adds: He also had a printer.

Q66: What did your son tell you when he handed over the alleged Will to you?

A: He only asked me to keep it inside.

Q67: How many members are there in your house today?

A: 5 members.

Q68: Can you give the names?

A: My husband Sreenivasan, Son Harikrishnan, Daughter-in-law Srividhya, my grand daughter Prakrithi.

Q69: Can you say who all attended the annual ceremonies of Mr.Ravi from your house?

A: I do not know.

Q70: Is it correct to state that Gaya Srartham has to be performed according to the Hindu Shastras for the departed soul?

A: It will be done by the persons of their own choice.

Q71: Do you have any objection for the performance of Gaya Srartham by Subramaniam for his brother Venkatraman and mother Baghyalakshmi?

A: I do not know whether they did. But I do not have objection for performing Gaya Srartham.

Time: 04.25 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

T.O.S.No.39 of 2023

Date : 31.01.2025

Time : 12.48 P.M.

Name : Mrs.Hema Srinivasan (PW1)

PW1 Cross Examination Continuation by Mrs.Chitra Sampath, Senior Counsel for T.S.Baskaran, counsel for the Defendants.

Solemnly affirmed:

Q72: Ex.P6 is shown to the witness. Can you say what is this document?

A: This is a document which I executed at T.Nagar Registrar Office releasing my rights.

Q73: Do you know who prepared this document?

A: My brothers would have done it.

Q74: Do you say that you do not know who prepared it?

A: I am sure that it was made ready by my brothers.

Q75: Ex.P8 is shown to the witness. What is this document?

A: I am not in a position to understand this document.

Q76: In Ex.P8 at page 11 have you signed as a witness?

A: Yes. I signed.

Q77: In Ex.P8 is it correct that the other witness is Ravi husband of your sister Suseela?

A: Yes.

Q78: In Ex.P8 who all has signed?

A: My mother Bakkiyalakshmi, My brother Venkatraman and My other brother Subramanian.

Q79: Ex.P14 is shown to the witness. What is this document?

A: It is the death certificate of Ravi, husband of my sister Suseela.

Q80: What is his date of death?

A: 31.03.2020.

Q81: Ex.P15 is shown to the witness. What is this document?

A: My sister Suseela had a Bank Locker with State Bank of India she had nominated my brother Venkatraman and later my mother Backiyalakshmi. She had removed them and then nominated my son Harikrishnan.

Q82: Is it correct that Ex.P15 is a xerox copy?

A: Yes.

Q83: From where did you get this xerox copy?

A: My brother Venkatraman had effected the change in the nomination and had forwarded a copy to me in my mobile through Whatsapp.

Q84: Do you have that mobile phone of your brother as well as yours which contains the above whatsapp message?

A: I have my phone which is left at home. I do not remember my brother's mobile number. We have the custody of my brother's mobile also.

Q85: How many mobile of your brother Venkatraman is with you?

A: Only one is available.

Q86: In Ex.P15 do you know in whose handwriting the form has been filled up?

A: Brother Venkatraman has filled up the details.

Q87: I put it to you that Ex.P15 is a forged document?

A: I deny.

Q88: Ex.P16 is shown to the witness. What do you know about Ex.P16?

A: It is a recording of Venkatraman made by himself in his mobile which we have copied in pendrive.

Q89: Who is having the custody of mobile containing the recording?

A: Its with us.

Q90: Who copied the contents on to the pendrive in Ex.P16?

A: It was done by my son Harikrishnan.

Q91: Who has accompanied you to the Court today?

A: My daughter-in-law Srividya.

Q92: I put it to you that Ex.P16 is a fraudulent document?

A: I deny.

Q93:What is the dispute between you and your brother Subramaniam?

A: At the time when my mother passed away, my sister Padmini who was staying with my mother then called me over phone. On coming to know of the same I came along with my son to see my mother. When I entered into the house of Venkatraman my brother Subramaniam used unparliamentary language towards me and my son and shouted whether I had come to stake a claim in the property and was having a spanner in his hand. And watchman named Joseph from adjoining property joined issue with Subramaniam came to attack my son Harikrishan therefore we were forced to leave the place. From then onwards we have not been on talking terms.

Q94: Do you have any disputes with your sisters Padmini and

Suseela?

A: After the death of my mother when they came to know that the property has been given to me they became unhappy about it. Now I am not on talking terms with my sisters.

Q95: In response to Q.No65 you had admitted that deceased Venkatraman had lot of books, notebooks and letter pad and plain sheet at his house. Have you and your son Harikrishnan removed it from the house of Venkatraman?

A: No.

Q96: Can you recollect and say from when your mother needed assistance for her daily routines?

A: My mother was fairly capable of walking with her walker. The maid who was working in the house helped her for her regular routines.

Q97: Do you know D.Ramesh?

A: Yes.

Q98: How do you know?

A: Family friend of my son, my husband and myself everybody knows. He is residing in Thirvanmiyur.

Q99: Where is he employed?

A: I do not know.

Q100: What is his educational qualification?

A: I know he has got two degrees.

Q101: Since how long you are acquainted with D.Ramesh?

A: I know him for several years.

Q102: How often he comes to your house?

A: Whenever he gets time he will drop in.

Q103: How many members are there in his house?

A: He lives along with his wife and two children.

Q104: Is it correct that D.Ramesh will not fail to come atleast once a week?

A: He will come only when time permits or on occasions.

Q105: Have you travelled together with Ramesh along with your family?

A: We have gone out together to Coimbatore when my daughter was visiting us.

Q106: Can you recollect which year?

A: I must be more than 5 to 10 years.

Q107: How does D.Ramesh call you?

A: He would not specifically address me by any name.

Q108: What is his age?

A: He may be around 47 to 50.

Q109: Does he own a vehicle?

A: Yes. He has a Two wheeler and four wheeler.

Q110: Have you visited D.Ramesh house?

A: I have visited him.

Q111: How old is your son Harikrishnan?

A: He is born on 03.10.1973.

Q112: Is it correct that Harikrishnan and D.Ramesh are of the same

age group and they go out together?

A: They go out together but not frequently.

Q113: Have you met the father and mother of D.Ramesh?

A: I have met them but they are not alive today.

Q114: How many sibling has D.Ramesh?

A: I remember only an elder brother of D.Ramesh who died along with his parents in an accident. It was around 4 to 5 years back.

Time: 01.45 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