

BEFORE THE ADDITIONAL MASTER IV,
HIGH COURT, MADRAS
T.O.S.No. 40 OF 2023

Date: 01.07.2025
Time : 12.56 P.M.

Name : Mr. N. Haridas (PW1)

Continuation of cross examination by Mr. K.S. Saranath, Learned counsel
for the 1st defendant.

Solemnly Affirmed:

Q23: When and where did your mother handover the Will to you?

A: My mother handed over the Will in front of my wife and two sisters in
my parents house. I do not remember the date.

Q24: Was it after your father's death?

A: Yes.

Q25: Can you say in which year the Will was handed over to you i.e,
between the time after the death of your father and prior to the filing of the
suit in OP?

A: I do not remember. But after the demise of my father.

Q26: I put it to you that such an incident never occurred and that you are
deposing falsely before this court.

A: I deny.

Q27: I put it to you that after your father's death, you have created this
alleged Will.

A: I deny.

Q28: I put it to you that had your mother handed over your father's Will to
you, she would not have filed the suit for partition and that it is very clear
from the fact that she has filed the suit for partition that she had never
handed over any Will to you.

A: I deny.

Q29: I put it to you that even in the Written Statement filed by you in the partition suit, you have not stated that your mother handed over your father's Will to you in the presence of your wife and sisters.

A: I do not remember.

Q30: Have you read through the contents of the Will, Ex.P1?

A: I have read it once. But I do not remember its contents now.

Q31: Is it correct to state that you do not know whether the attesting witnesses to Ex.P1, Will are alive or not?

A: I do not know. I do not know the attesting witnesses to Ex.P1, Will.

Q32: I put it to you that since you do not know anything about the Will, you are falsely deposing that it is your father's Will.

A: I deny.

Q33: I put it to you that Ex.P1, Will was not executed by your father.

A: I deny.

Q34: I put it to you that you have not filed any document to substantiate that the signature in the Will is that of your father's.

A: I deny. Witness adds: Since it was handed over to me by my mother, in the presence of my wife and two sisters, I believe that it is my father's Will. My mother also orally promised me that she would give her property to me.

Q35: I put it to you that had your mother handed over Ex.P1, Will to you in the presence of your sisters, they would not have filed their written statements in the partition suit.

A: I deny. Witness adds: There was some problem between my mother and my wife and I stood by my wife. Therefore, problems started one by one.

Q36: Did you take any steps to mutate the property records into your name using your father's Will?

A: Since the property was mortgaged with Tata Capital Housing Finance Limited, I could not have taken steps to transfer the property to my name.

Q37: Why did you not take steps to redeem the property from Tata Capital Housing Finance Limited?

A: I was told by the bank manager that all the legal heirs need to sign the papers.

Q38: Is it correct to state that till date the property continues to be mortgaged in your father's name?

A: Yes.

Q39: I put it to you that even in the Original Petition / TOS, you have not stated that your mother handed over Ex.P1, Will in the presence of your wife and two sisters.

A: I do not know.

Q40: (A document is shown to the witness.) Is this the notice dated 04.02.2025 sent by the Corporation to your mother?

A: Yes. The computer generated copy of the notice dated 04.02.2025 along with the original Form 1 Distraint Order dated 04.03.2025 is marked as Ex.D1. Witness adds: I have been continuously paying the property tax for the property standing in my father's name after his death. After receiving Ex.D1, notice and when the officials had come to lock the property, I sought time to pay the property tax and paid it subsequently.

Q41: I put it to you that you are deposing falsely that you paid the taxes.

A: I deny.

Q42: I put it to you that had you paid the taxes, you would have filed the receipts into court.

A: I deny. Witness adds: But I paid the property taxes.

Q43: Is it correct to state that the last demand notice was also addressed to your mother and not to you?

A: For the property standing in my mother's name, the notice would be addressed to her only.

Q44: I put it to you that this Will has been created by you only.

A: I deny.

Q45: I put it to you that since you do not know both the attesting witnesses and whether they are alive or not, Ex.P1, Will is not valid.

A: I deny.

Q46: I put it to you that since you have not filed any proof to substantiate that the signature in Ex.P1, Will is that of your father's, this suit is liable to be dismissed.

A: I deny.

Re-Examination : Nil.

Time: 01.33 P.M.

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

ADDITIONAL MASTER-IV