

BEFORE THE ADDITIONAL MASTER II ,

HIGH COURT, MADRAS

C.S.No.45 OF 2020

Date : 11.03.2025

Time : 11.54 A.M.

Name : Mr.T.Rajasekaran (PW1)

PW1 further Cross examined learned counsel by the defendant Mr.G.Guruswaminathan.

Solemnly affirmed:

Q73: Have you filed the insurance policies which you took from Chola MS General Insurance Company and New India Assurance Company Limited?

A: I have not produced the same but I have mentioned in the plaint.

Q74: Have you mentioned about the details of claim settlement made by Chola MS General Insurance Company and New India Assurance Company Limited?

A: I have mentioned in my plaint.

Q75: Have you filed any document in support of your statement as regards the claim settlement made by Chola MS General Insurance Company and New India Assurance Company Limited?

A: No documents filed in this regard but amount mentioned in my plaint.

Q76: What was the necessity for the plaintiff to take insurance policies from 3 different insurance companies?

A: We are taken insurance made by only United India Insurance. Our finance companies have taken the policies from Chola and New India because of the loan which we have taken from them.

Q77: Do you know Mr.Veeraraghavan Surveyor, issued a report dated 23.10.2018?

A: Yes, I know.

Q78: You have also obtained the said report from the defendants under RTI. Do you agree?

A: Yes, we got the copy and filed before this Court.

Q79: Unmarked document filed is shown to the witness. Is it correct to state that is it final survey report of Mr.N.Veeraraghavan dated 23.10.2018 along with enclosure?

A: Yes. **It is marked as Ex.D1.**

Q80: Are you aware of the main contents of Ex.D1?

A: Yes, I know.

Q81: Are you aware as to the reasons given in Ex.D1 for denial of the claim?

A: Yes, I know. The reason is huge stock and he is expecting more money, but we are not offer any amount and further door number differs also causes confusion. We submitted all correct documents.

Q82: Did you give any complaint to United India Insurance Company or to IRDA as regards your allegation in the previous answer, that the Surveyor demanded more money and that you did not agree?

A: No, we did not prefer any complaint. I filed this present case.

Q83: I put it to you that your allegation that the Surveyor demanded money is totally false.

A: I deny.

Q84: Did you write any letter to the Surveyor or the Insurance Company or to IRDA giving your objections for the survey report Ex.D1?

A: Yes, we filed a complaint to the above authority before Ombudsman.

Q85: Did you file the copy of complaint?

A: We not filed in this case.

Q86: I put it to you that you did not give any such complaint and that your answer to the previous question is false.

A: I deny. I am ready to file the copy of complaint before this Court.

Q87: Have you reflected the suit amount in your IT returns?

A: Yes.

Q88: Do you remember during which assessment year the same was reflected?

A: 2018-19 assessment year.

Q89: Ex.P8 is shown to the witness. Please inform this Hon'ble High Court the exact amount of loss which you have reflected in the IT return?

A: Rs.6,60,00,000/-

Q90: The amount of Rs.6,60,00,000/- is not specifically mentioned anywhere in Ex.P8. Do you agree?

A: I deny.

Q91: Did you engage any independent Surveyor to assess the loss?

A: No.

Q92: Proof affidavit is shown to the witness. On what basis you have given the details of the loss as mentioned in para 21 of your proof affidavit?

A: My accountant only knows.

Q93: In para 21 of your proof affidavit, you have extracted point no.14.6 as regards loss assessment by the Surveyor in Ex.D1. Do you agree?

A: Yes.

Q94: I put it to you that since you have not objected to the contents of Ex.D1, you are accepting the findings of the Surveyor in total.

A: I deny.

Q95: I put it to you that the loss assessment of the Surveyor was only notional and for academic purpose and that you are not entitled to claim that amount also from the defendants?

A: I deny

Q96: Have you filed any stock valuation report duly certified by your bankers?

A: No.

Q97: Have you reflected the value of stock, plant and machineries and buildings in Ex.P8 for the relevant period when the loss occurred?

A: Yes, it is mentioned. Details are known only my accountant.

Q98: After receiving the copy of the survey report under RTI, did you write to the defendants as regards the observations made by the Surveyor as against your company?

A: No, we did not object. We filed this case.

Q99: In Ex.P2, you have filed the survey report dated 27.12.2017. This is with respect to the different incident. Is it correct?

A: Yes, it is filed for Vardha Cyclone.

Q100: Do you agree with the contents of the said survey report dated 27.12.2017?

A: I am not accepting the same. We accepted the claim only.

Q101: The plant and machineries and the buildings mentioned in Ex.D1 were insured with New India Assurance Company also. Is it correct?

A: No.

Q102: I put it to you that your answer to previous question is false and that is why you have not filed the insurance policies issued by New India and Chola Insurance.

A: I deny.

Q103: You have not given a detailed breakup for the suit amount either in your plaint or in your proof affidavit. Is it correct?

A: Yes, breakup figures not shown.

Q104: I put it to you that there are lots of duplicate claims for which you have already received indemnity from the other insurance companies and that is why you have not given the breakup for loss.

A: I deny.

Q105: I put it to you that you have suppressed material facts and have given false documents to the defendants in this case.

A: I deny.

Q106: I put it to you that you did not cooperate with Surveyor and you have breached the fundamental element of utmost good faith.

A: I deny.

Q107: I put it to you that you have deliberately exaggerated the claim with ulterior motive by committing a fraud on the defendant.

A: I deny.

Q108: I put it to you that the denial of the claim by the defendants is correct and proper and that the plaintiff is not entitled for any claim under the policy.

A: I deny.

Q109: I put it to you that the suit is liable to be dismissed with cost.

A: I deny.

Time : 12.35 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-II