

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS

C.S.837 of 2018

Date : 24.01.2023

Time : 11.59 A.M.

Name : Mr.P.S.Rudhrakumar (PW 1)

Age : 59 Years

Father's Name : Late.P.R.Subramanian

Residential Address : No.17, New No.39, Unnamalai Ammal Street,
T.Nagar, Chennai – 600 017.

PW1 examined in chief by Mr.K.S.Vaithianathan, Learned Counsel for
the Plaintiff.

Solemnly affirmed:

I am the 2nd 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: 12.01 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.837 of 2018

Date : 06.02.2023

Time : 02.45 P.M.

Name : Mr.P.S.Rudhrakumar (PW 1)

PW1 further examined in Chief by Mr.K.S.Vaithianathan, Learned Counsel for the Plaintiff.

Solemnly affirmed:

The following documents may be marked as exhibits.

Ex.P1 is the original Memorandum and Bye laws of the plaintiff society dated 27.09.2017.

Ex.P2 is the original is the resolution of the society dated 19.09.2018.

Therefore, it is prayed, that, this Hon'ble Court may be pleased to pass a judgment and decree as prayed for in the plaint with cost and further relief may be granted as this Hon'ble Court may deem fit in the facts and circumstances of the present case and thus render justice.

Time: 02.48 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.837 of 2018

Date : 14.02.2023

Time : 03.26 P.M.

Name : Mr.P.S.Rudhrakumar (PW 1)

PW1 Cross Examined by Mr.R.Bharanidharan, Learned Counsel for the 1st defendant.

Solemnly affirmed:

Q1: You have filed the suit for various reliefs including for a declaration to declare that the registration of Sri Muthukumaraswamy Educational Society, 15th defendant bearing no.338/2008 on the file of Registrar of Society, North Chennai is null and void. Is there any other suit or litigation filed by you?

A: HR&C filed a W.P.5293/2017.

Q2: Can you tell this Court what happen to this W.P.5293/2017?

A: An order passed for revival of Sri Muthukumaraswamy Devasthanam Educational Society.

Q3: Have you filed the copy of the order before this Court?

A: No.

Q4: The certified copy of the common order is shown to the witness.

Is it the copy of the order?

A: Yes. The certified copy of the common order dated 22.03.2021 and 21.10.2021 is marked as Ex.D1.

Q5: Can you tell the Court what has happened in pursuant to the order dated 22.03.2021?

A: Judge Commissioner was appointed and to take over the administration of the Educational Institutions.

Q6: Can you tell the Court what is the status of the Sri Muthukumaraswamy Educational Society, Reg.No.338/2008 at present?

A: The registration of the Sri Muthukumaraswamy Educational Society's registration is cancelled.

Q7: Can you tell the Court as to who is in the custody of the Educational Institution at present?

A: The committee appointed by the Hon'ble High Court under the Chairmanship of Judge Commissioner.

Re-Examination: Nil.

Time: 03.40 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.837 of 2018

Date : 16.06.2023
Time : 1.05 P.M.

Name : Mr.P.S.Rudhrakumar (PW 1)

PW1 Cross Examined by Mr.M.Sankar, Learned Counsel for the 6th defendant and 13th Defendant.

Solemnly affirmed:

Q8: Are you holding any role in the first plaintiff's society?

A: I am not holding any post in the first plaintiff's society.

Q9: I put to you that there are various office bearers in the first plaintiff's society.

A: Yes

Q10: Is it correct to state that none of the Office bearers has come forward to adduce evidence before this court?

A: No, I have come forward to aduse evidence as I am also an litigant.

Q11: There is no reason as to why the office bearers have not come forward to adduce evidence before this court?

A: I was the former and founder President of the first plaintiff society, since I am well-versed with the facts of the case, the association has entrusted to adduce the evidence.

Q12: Have you stated in your proof affidavit as to why the office bearers have not come forward to adduce evidence before this court?

A: I have not stated.

Q13: When did the first plaintiff society came into existence?

A: In the year of 2017.

Q14: Are you aware that a original suit was filed in the year 2017, and the same was withdrawn by the plaintiff society?

A: I am not aware, this case is only filed in the year of 2018.

Q15: I put it to you that the society has emerged only for the pupose of filing this frivolous suit.

A: I deny.

Time: 01.25 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

C.S.837 of 2018

Date :20.06.2023

Time : 03.30 P.M.

Name : Mr.P.S.Rudhrakumar (PW 1)

PW1 Cross Examined by Mr.M.Sankar, Learned Counsel for the 6th defendant and 13th Defendant.

Solemnly affirmed:

Q16: Ex.P2 is shown to the witness. In Ex.P2, you have stated that 13 Executive Members were present and the members passed the resolution unanimously. Are you able to decipher with regard to the names of the 13 Executive members in Ex.P2?

A: The names are not found in Ex.P2, but the same has been recorded in the minutes book.

Q17: The minutes book has not been marked before this Hon'ble Court. Am I correct?

A: I do not remember.

Q18: Plaint is shown to the witness. In your plaint, you have not mentioned about anything with regard to minutes book?

A: Yes, I have not mentioned.

Q19: Ex.P2, letter head is shown to the witness. How many persons were mentioned as Executive committee members?

A: 9 members have been mentioned as Executive members. Witness adds: There were 10 Office Bearers who were part of the Executive Committee. The Memorandum of the Society which states clearly is

submitted to the Hon'ble Court.

Q20: Before filing of this suit in the year 2016, you along with other two community members have filed an Application No.6242/2016 under Sec.92 of CPC seeking leave to file a suit for framing a scheme for the Educational Institution. Am I right?

A: Yes, I have filed the application along with two other community members.

Q21: Only after the said application, the present society namely the 1st plaintiff society has emerged. Am I right?

A: Yes.

Q22: What had happen to the application no.6242/2016 that you have filed in the year 2016?

A: Objection was raised thereafter the application was withdrawn with right to file a fresh suit.

Q23: You have not filed the said order before this Hon'ble Court as an Exhibit?

A: I do not remember.

Q24: Plaint is shown to the witness. Can you able to decipher on seeing your plaint whether the order giving liberty to file a fresh suit is filed as a document?

A: I have not filed.

Q25: Have you stated in plaint para 3 as to how you have got knowledge in respect of the contentions avered in it?

A: I have not mentioned as to how I got knowledge in respect of the contentions avered in para 3 of the plaint. Witness add: but there

exist a document, a settlement deed executed by Chamundeeswari Ammal in favour of the Main diety of Kandhakottam with a condition to built a school from the funds of the temple.

Q26: But you have not mentioned about the said document in your plaint, para 3. Am I right?

A: Yes.

Q27: And the said document is also not filed as an exhibit before this Hon'ble Court?

A: Yes. It is not marked.

Q28: You have not stated in your plaint as to how you are able to lay your hands in respect of plaint Doc.No.1?

A: I have not stated.

Q29: On what basis you have stated in the para 4 of the plaint that a society under the name and style of Sri Muthukumarasami Devasthanam Educational Society was formed and funds are flown for the construction and development of the school from the temple periodically are not mentioned in para 4 of the plaint?

A: I have not mentioned as to how I got the information.

Q30: Have you produced any document to show the flow of funds from Temple for construction of the School?

A: Yes, I have not filed.

Q31: I put it to you that the 3rd defendant school is managed by the Government and the salary to the staffs being paid by the Government and they are aided school of the Government.

A: I do not know about the salaries paid by the Government. But the

management of the school was run by the Devasthanam society not by the Government.

Q32: You have not filed any documents to assert the fact that the 3rd defendant school is managed by the Devasthanam Society.

A: Yes, I have not filed any documents.

Q33: In respect of the 4th defendant school, you have come forward to state that there was a specific endowment dedicated to the Temple by one of the Worshipers and in support of the said contention, you have not filed any document. Am I correct?

A: Yes.

Q34: I put it to you that it is false to state that the 4th defendant school was constructed out of the funds of the temple.

A: It is incorrect.

Q35: Have you filed any documents to assert the fact the funds of the temple was utilised for the construction of the school?

A: I have not filed.

Q36: And you have come forward to state that the Society had no independent income and only from the funds of the Temple or donations from the public who were all worshipers of the Temple and belonging to Beri Chetty community, the 4th defendant school being running and in support of the said contention, you have not come forward to file any documents?

A: I have not filed.

Q37: I put it to you that the administration of the educational institution and the temple are different.

A: I deny. They are one and the same.

Q38: You are not come forward to file any document to assert the administration of educational institution and temple are one and the same.

A: I have not filed.

Time: 04.21 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.837 of 2018

Date :26.06.2023

Time : 03.20 P.M.

Name : Mr.P.S.Rudhrakumar (PW 1)

Cross Examination of PW1 by Mr.M.Sankar, Learned Counsel for the 6th defendant and 13th Defendant.

Solemnly affirmed:

Q39: Have you filed any document in support of your contentions as alleged in para 7 of the plaint?

A: No. The donors of the property have donated the said property and it was not bought by the Devasthanam Educational Society.

Q40: Have you stated the same in your plaint averment para 7?

A: It is not mentioned.

Q41: In so far as the Arts and Science college concern the land was purchased from and out of the temple's funds. Under what basis you have alleged so?

A: I am the voter and Devotee of the Temple and I was given the photostat copies of the HR & CE Audit Report by then Trustee late. Mr.S.Muthu.

Q42: You have not come forward to file those HR & CE audit report before this court?

A: I have not filed.

Q43: Even in your plaint averment, you have not come forward to state how you have got the information in respect of the averments made in para 8 of the plaint.

A: I have not stated.

Q44: When did Mr.Muthu hold the post of Trustee of the 1st defendant, Temple?

A: Between the year 2008 and 2013.

Q45: And thereafter the fit person has taken charge in respect of the 1st defendant, Temple. Am I correct?

A: Yes.

Q46: In respect of the merger of Muthukumaraswamy Devasthanam Educational Society and Sri Muthukumaraswamy Educational Society was happened during the tenure of the said Trustee. Am I correct?

A: Yes.

Q47: Till his tenure, the said Trustee had not raised any dispute, what you have now alleged in your suit?

A: No, he has sent communications.

Q48: Have you filed any such communications before this Hon'ble Court?

A: I have not filed. Witness adds: all the relevant documents will be only with the property owner namely the Temple and I am not supposed to submit the xerox copies of the same.

Q49: I put it to you that the entire averments as made in the plaint is without any basis and the same is imaginary one at your instance. On account of that you are not able to place any documents before this Court.

A: I deny it.

Q50: In so far as the Arts and Science college's land was purchased in a auction conducted by the Housing Board by the Educational Society?

A: Yes, by the Devasthanam Educational Society.

Q51: You have not stated in para 8, 5th line of your plaint that it was the Devasthanam Educational Society was the success bidder?

A: No, it should be read in continuation of the previous sentence as per statement.

Q52: In para 8 you have mentioned that the funds were flown from the temple. You have not filed a single document to ascertain the said fact?

A: Not filed, as the originals are with the property owner, namely the Temple.

Q53: You have not stated in your plaint that the information that you have obtained and the originals of those information are with the Temple?

A: Not stated.

Q54: Is it correct to say that the 7th defendant is the CBSE school?

A: Yes.

Q55: Is it correct to say that the 7th defendant Educational Institution is situated within the campus of Arts and Science college?

A: Yes.

Q56: Is it correct to say that this CBSE school was under the administration of Sri Muthukumaraswamy Educational Society, D15?

A: Yes, by illegal merger of Sri Muthukumaraswamy Devasthanam Educational Society with the newly formed Sri Muthukumaraswamy Educational Society in the year 2010.

Q57: I put it to you that the order of merger was passed by the Registrar of Societies by order dated 25.03.2010. Am I correct?

A: Yes.

Q58: If it is an illegal merger, as stated by you, the Trustee at that given point of time would have objected for this merger. What do you say?

A: I do not have the details.

Q59: I put it to you that the merger of 1st defendant society with that of the 15th defendant society is made by the competent authority. Therefore it is not an illegal merger.

A: It was a clear case of illegal merger and the order was cancelled by the Hon'ble Court.

Q60: Moreover, your father and the father of the 13th defendant are relatives?

A: Yes. Distant relatives.

Q61: The father of the 13th defendant is the erstwhile Trustee and Senior Trustee of the 1st defendant, Temple. Am I correct?

A: Yes.

Q62: I put it to you that it is the scheme which has been framed by the Hon'ble Court based on which the Board of Trustees were in effective administration of the 1st defendant, Temple.

A: Yes.

Q63: As per the scheme framed by this Hon'ble Court, a particular sect namely Beri Chetty community members would be the Trustees of the 1st defendant, Temple.

A: Yes.

Q64: I put it to you that the change in address of the Devasthanam society is only for the convenience of the society and not for any other purpose.

A: No. It was with the intention to gradually usurp the powers of the Devasthanam Educational Society to private hands at a later stage.

Q65: I put it to you that the obligations of the first defendant society and the 15th defendant society being the one and the same and the same was approved by the members of both the society and thereby both the societies got merged.

A: The merger is illegal.

Q66: And in respect of the said merger you have not raised any objection at that given point of time.

A: I have not raised any objection at that point of time because the criminal offence was not committed with everyone's knowledge in

the community.

Q67: You have not stated so in your plaint. Am I correct?

A: I have not stated so in my plaint.

Q68: I put it to you that the 6th and 13th defendant have never indulged in any such act as alleged by you and the same is divised with the sinister motive for the purpose of sustaining the frivolous suit.

A: The illegal merger explains the intentions very clearly.

Q69: You have not filed any document before this Court at the time of filing this suit to ascertain the merger of society is illegal.

A: Yes. I have filed photostat copies of documents, but they are not marked.

Q70: From the list of documents as found in the plaint, which document shows the merger of society is illegal?

A: Doc. No.8, but not marked.

Q71: I put it to you that 21.03.2010 pertains to the proceedings of the Registrar of Society, North Madras regarding merger of societies, not with regard to what you have stated.

A: Yes, it is the order of merger.

Time: 04.14 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.837 of 2018

Date :27.06.2023

Time : 02.50 P.M.

Name : Mr.P.S.Rudhrakumar (PW 1)

Cross Examination of PW1 by Mr.M.Sankar, Learned Counsel for the 6th defendant and 13th Defendant.

Solemnly affirmed:

Q72: Have you participated in any of the elections conducted for the post of Trustees?

A: No.

Q73: Whether your father had hold any post in Muthukumaraswamy Devasthanam?

A: Never, No.

Q74: How many people of Beri Chetty community are the worshipers of Sri Kandhakottam Murugar Temple?

A: I do not have the numbers but as per the voter list it is more than 3500.

Q75: You have not produced the voter list before this Court?

A: Yes, not produced.

Q76: The object of your society is only to take action as against the 15th defendant society?

A: No. I deny. The society has many more objects.

Q77: Have you stated in your plaint that the objects of your society and in pursuance to which the various actions taken by the society to achieve those targets?

A: No, it is not related with the present case.

Q78: The plaintiff society by itself came into existence only to file frivolous cases as against the various institutions of Sri Muthukumaraswamy Educational Society.

A: I deny.

Q79: I put it to you that already there is a society by the Devasthanam which is been under the control of a fit person doing various welfare activities as per the wish of the founder Sri Mari Chettiar, under such circumstances, the present plaintiff society is created only with an oblique motive.

A: I deny, the plaintiff society does various welfare activities namely educational scholarship, medical welfare facilities and financial aid to the senior citizens, to the poor and the needy.

Q80: There is no whisper in your plaint as well as there is no documentary evidence to prove the said activities. What do you say?

A: Not filed, it is irrelevant to the case.

Q81: Except the plaintiff society and yourself in your independent capacity and the other plaintiff, Mr.A.B.Srinivasan, no members of your community had come forward towards any objection in respect of the merger of Sri Muthukumaraswamy Devasthanam Educational Society with that of the 15th defendant society.

A: No, since the society is representing the community, others have not filed further cases.

Q82: The present case filed after the period of 8 years from the date of merger of Sri Muthukumaraswamy Devasthanam Educational Society with that of the 15th defendant society. Am I correct?

A: Yes, however I would like to mention that the case was filed in 2016 by three members of the community including me.

Q83: Whether Mr.Senthil Velan is as on date the Joint Secretary of the 1st plaintiff society?

A: No, Mr.K.Senthil Velan is presently the Secretary of the plaintiff society.

Q84: Have you filed any documents before this Court to show the change in Joint Secretaryship?

A: No, Witness adds: Mr.K.Senthil Velan was the Joint Secretary of the plaintiff soccity subsequently after filing the case and after the expiry of his three years tenure as per bye-laws. Mr.K.Senthil Velan is elected as Secretary.

Q85: Even according to the bye-laws of the 1st plaintiff society only the secretary is the competent person to initiate legal proceedings.

A: Yes. However in the absence of the Secretary, the Joint Secretary can execute the responsibilities as per the resolution passed by the executive committee.

Q86: You have not stated in your plaint as to why the Secretary was not able to initiate proceedings as per the bye-laws?

A: Not stated, the Secretary was out of country at that point of time.

Q87: You have not stated in your resolution, Ex.P2, that the Secretary was out of country on account of which the Joint Secretary was resolved to file the proceedings.

A: Yes, it is not stated.

Q88: Who is the President of the 1st plaintiff society as on date?

A: Mr.A.B.Srinivasan (3rd plaintiff).

Q89: The 6th defendant school on account of decrease in the strength of students got merged with the 5th defendant school.

A: I do not know.

Q90: From when onwards a fit person is taking the administration of the Kandhakottam Temple?

A: After the expiry of the term of the trust board in the year 2013.

Q91: The administration of Sri Muthukumaraswamy Devasthanam temple and the administration of Sri Muthukumaraswamy Devasthanam Educational Society was administered by Board of Trustees before 2013.

A: No, till 2008, the Trust board members as per the bye-laws of Sri

Muthukumaraswamy Devasthanam Educational Society were members of the executive committee of the Devasthanam Society. However from 2008, after one Mr.S.Muthu was elected as a Senior Trustee of Kandhakottam Trust Board. All the five trustees were not inducted into the executive committee of Sri Muthukumaraswamy Devasthanam Educational Society.

Q92: Are you aware that before 2008 the administration of the temple and the educational society were managed by one and the same persons?

A: I am not sure.

Q93: The purpose for which the plaintiff society was created only to usurp the Muthukumaraswamy Devasthanam Educational Society.

A: I deny.

Q94: I put it to you that the entire administration of the Sri Muthukumaraswamy Devasthanam Educational Society on merger with the 15th defendant society was on a smooth sail, aggrieved over the said at the instance of the said Muthu who was the erstwhile Senior Trustee the entire action came to be filed by you all.

A: I deny, the cause of action arose only due to the illegal merger of Sri Muthukumaraswamy Devasthanam Educational Society with the newly formed Sri Muthukumaraswamy Educational Society in the year 2010.

Q95: The entire claim of the plaintiffs is miserably barred by limitation.

A: I deny.

Q96: You have not filed any accounts as to how you have arrived the prayer 4 in your plaint.

A: Not filed any documentary evidence, the office bearers of Sri Muthukumaraswamy Devasthanam Educational Society never submitted any audited balance sheet to the community and not allowed access to be audited by the HR & CE Auditors.

Q97: Have you stated in the plaint that 'the office bearers of Sri Muthukumaraswamy Devasthanam Educational Society never submitted any audited balance sheet to the community and not allowed access to be audited by the HR & CE Auditors'?

A: I have not stated.

Q98: Even the HR & CE department has not come forward with any claim as against Sri Muthukumaraswamy Devasthanam Educational Society as alleged by you?

A: I do not know.

Q99: In so far as the prayer 1 under your plaint, there is no documentary evidence before this Hon'ble Court.

A: Yes. I have not filed.

Q100: I put it to you that the Educational Institution as arrayed as defendants were all governed by the Government of Tamil Nadu.

A: Yes.

Q101: The entire claim of your suit is frivolous in nature and you are not entitled for any of the relief as sought for in the suit.

A: I deny, I as a devotee and voter of Sri Kandhakottam temple deserve to seek justice.

Q102: You have not produced any document to show that you are a devotee and voter of Kandhakottam Temple. Am I correct?

A: I have not produced.

Time: 03.50 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.837 of 2018

Date : 03.10.2023

Time : 03.41 P.M.

Name : Mr.R.Vignesh (DW 1)

Age : 33 Years

Father's Name : Raja

Office Address : No.44, Rasappa Chetty Street, Park Town,
Chennai – 600 003.

DW1 examined in chief by Mr.N.Inbamaran, Learned Counsel for the
Defendant 1.

Solemnly affirmed:

I am the 1st defendant 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: 03.43 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.837 of 2018

Date : 25.04.2024

Time : 04.00 P.M.

Name : Mr.R.Vignesh (DW 1)

DW1 examined in chief by Mr.N.Inbamaran, the learned counsel for the Defendant 1.

Solemnly affirmed:

Ex.D1 is the photocopy of the School Hundial Assortment Register dated 30.04.1972.

Ex.D2 is the photocopy of the Hundial Assortment Register - Girls School Fund dated 31.05.1972.

Ex.D3 is the photocopy of the Girls School Fund Account Ledger Extract dated 01.07.1976. (The learned counsel for the plaintiff objects to mark the documents as it a photocopy).

Ex.D4 is the Trustees Meeting Agenda dated 10.04.1978.

Ex.D5 is the Trustee Resolution dated 23.04.1978.

Ex.D6 is the photocopy of the Order in Appln.No.1808 of 1978 in C.S.No.117 of 1907 dated 27.04.1978. (The learned counsel for the plaintiff objects to mark the documents as it a photocopy).

Ex.D7 is the Trustee Resolution dated 26.05.1978.

Ex.D8 is the Trustee Meeting with Agenda dated 20.06.1978.

Ex.D9 is the Trustee Meeting with Agenda dated 27.06.1978.

Ex.D10 is the Trustee Meeting with Agenda dated 03.07.1978.

Ex.D11 is the Trustee Meeting with Agenda dated 17.08.1978.

Ex.D12 is the Trustee Meeting with Agenda dated 15.09.1978.

Ex.D13 is the Trustee Meeting with Agenda dated 12.10.1978.

Ex.D14 is the Trustee Meeting with Agenda dated 30.11.1978.

Ex.D15 is the Trustee Meeting with Agenda dated 30.12.1978.

Ex.D16 is the photocopy of the Extract of Cash Register dated 16.06.1978. (The learned counsel for the plaintiff objects to mark the documents as it a photocopy).

Time: 04.30 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.837 of 2018

Date : 02.07.2024

Time : 04.00 P.M.

Name : Mr.R.Vignesh (DW 1)

DW1 examined in chief by Mr.N.Inbamaran, the learned counsel for the Defendant 1.

Solemnly affirmed:

Ex.D17 is the Trustee Resolution dated 13.01.1979.

Ex.D18 is the certified copy of the By-laws of the Society dated 31.05.1979.

Ex.D19 is the photocopy of the Extract of Cash Register. (Subject to Objection).

Ex.D20 is the photocopy of the Extract of Cash Register. (Subject to Objection).

Ex.D21 is the photocopy of the Order in Appl.No.2031 of 1979 in C.S.No.117 of 1907. (Subject to Objection).

Time: 04.10 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.837 of 2018

Date : 18.07.2024

Time : 02.45 P.M.

Name : Mr.R.Vignesh (DW 1)

DW1 examined in chief by Mr.N.Inbamaran, the learned counsel for the Defendant 1.

Solemnly affirmed:

Ex.D22 is the photocopy of the Order in Appln.No.2030 of 1979 in C.S.No.117 of 1907 dated 18.06.1979.

Ex.D23 is the photocopy of the Pamphlet issued by the Temple Administration. (Original seen and returned).

Ex.D24 is the photocopy of the Order in C.S.No.126 of 1976.

Ex.D25 is the photocopy of the Extract from the Consecration Magazine.

Ex.D26 is the photocopy of the Hundial Assortment Register and Voucher.

Ex.D27 is the photocopy of the Application submitted by the Society to TNHB.

Ex.D28 is the photocopy of the Allotment Order by TNHB.

Ex.D29 is the photocopy of the Receipt of Amount paid towards Allotment.

Ex.D30 is the photocopy of the Notice calling for Donation to Construct College.

Ex.D31 is the photocopy of the Receipt of Amount paid towards Allotment.

Ex.D32 is the photocopy of the Transfer Certificate by THNB.

Ex.D33 is the photocopy of the Receipt for Amount paid towards Allotment dated 10.06.1993 to 09.07.1993.

Ex.D34 is the photocopy of the Receipt for Amount paid towards Allotment dated 10.08.1993 to 08.11.1993.

Ex.D35 is the photocopy of the Receipt for Amount paid towards Allotment dated 10.09.1993 to 08.10.1993.

Ex.D36 is the photocopy of the Receipt for Amount paid towards Allotment dated 10.01.1994.

Ex.D37 is the photocopy of the Order in O.S.No.108 of 1987 dated 21.02.1994.

Ex.D38 is the photocopy of the Letter from the TNHB intimating to sset the copies of Survey Sketch dated 23.05.1994.

Ex.D39 is the photocopy of the Survey Sketch issued by TNHB.

Ex.D40 is the Transfer Certificate issued by TNHB.

Ex.D41 is the photocopy of the Survey Sketch issued by TNHB dated 09.02.1995.

Ex.D42 is the photocopy of the Receipt for Amount paid towards Allotment dated 25.01.1994 to 02/1995.

Ex.D43 is the photocopy of the Receipt for Amount paid towards Allotment dated 07.09.1995 to 08.11.1995.

Ex.D44 is the photocopy of the Receipt for Amount paid towards Allotment dated 10.09.1995 to 10/95.

Ex.D45 is the photocopy of the Receipt for Amount paid towards Allotment dated 12/1995 to 01/1996.

Ex.D46 is the photocopy of the Representation by the Society to the Housing Board Ministry dated 07.09.1996.

Ex.D47 is the photocopy of the Audit Report of HR & CE dated 16.12.1997.

Ex.D48 is the photocopy of the Authorisation for Expenses to the Trust Board by HR & CE.

Ex.D49 is the photocopy of the Audit Report for Fasil Year 1400.

Ex.D50 is the photocopy of the Pamphlet.

Ex.D51 is the photocopy of the Letter from the Society No.319/79 dated 29.11.1998.

Ex.D52 is the photocopy of the Temple Festival Notice.

Ex.D53 is the photocopy of the Ledger Book Fasli Year 1407.

Ex.D54 is the photocopy of the Sports Invitation of the Institutions dated 11.02.2002.

Ex.D55 is the photocopy of the Sree Muthukumaraswamy Devasthanam Election Manifesto.

Ex.D56 is the photocopy of the Audit Report for Fasli Year 1409.

Ex.D57 is the photocopy of the 75th Year Skanda Sasti Festival Invitation containing Educational Institution details.

Ex.D58 is the photocopy of the Audit Report for Fasli Year 1410.

Ex.D59 is the photocopy of the Order in W.P. Nos.4991, 6566, 16756 & 17847 of 2008.

Ex.D60 is the photocopy of the Certificate of Registration of the Educational Society Sl.No.338/2008.

Ex.D61 is the photocopy of the By-Laws of the 3rd Respondent Society No.338/2008.

Ex.D62 is the photocopy of the Impunged Order of the 2nd Respondent dated 25.03.2010.

Ex.D63 is the photocopy of the Audit Report for the Fasli Year 1414.

Ex.D64 is the photocopy of the No Objection Letter issued in the name of the Old Society No.319/79 dated 18.01.2011.

Ex.D65 is the photocopy of the Letter from the Educational Society to TNHB to issue necessary Registered Documents by 319/79 dated 19.01.2011.

Ex.D66 is the photocopy of the Order in M.P.No.1/2011 in W.P.No.9339/2011 dated 30.01.2012.

Ex.D67 is the photocopy of the Letter from the Old Society No.319/79 to the THEB dated 12.11.2013.

Ex.D68 is the photocopy of the Reply letter from the TNHB dated 19.03.2014.

Ex.D69 is the photocopy of the Representation of Petitioner to a member dated 27.02.2016.

Ex.D70 is the photocopy of the Representation of Petitioner to the 2nd Respondent dated 26.11.2016.

Ex.D71 is the photocopy of the Representation of Petitioner to the 2nd Respondent dated 09.12.2016.

Ex.D72 is the photocopy of the Letter from the District Registrar to the Petitioner dated 09.12.2016.

Ex.D73 is the photocopy of the Representation of Petitioner to the 2nd Respondent dated 14.12.2016.

Ex.D74 is the photocopy of the Details of the Expenditure incurred towards Schools and College.

Ex.D75 is the photocopy of the Certificate Extract from the Town and Survey Land Register.

Ex.D76 is the photocopy of the Encumbrance Certificate.

Ex.D77 is the photocopy of the Loan availed for establishing the College.

Ex.D78 is the photocopy of the Proceedings of the Registrar of Societies and District Registrar (Admn.) Chennai North dated 26.08.2022.

Time: 03.36 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.837 of 2018

Date : 26.11.2024

Time : 04.30 P.M.

Name : Mr.R.Vignesh (DW 1)

DW1 cross examination by Mr.K.Venkateshwaran, the learned counsel for the Defendant 6 and 13.

Solemnly affirmed:

Q1: From which year onwards you have appointed as Executive Officer for the 1st Defendant's Temple?

A: From 27.04.2023 onwards.

Q2: In which post you have joined in HR & CE Department and what post?

A: I have appointed as Executive Officer – Grade I in the year 18.01.2023.

Q3: Is it correct to state that you have appointed as Executive Officer in the First Defendant's Temple in short period from the date of your appointment?

A: I have completed my training for 99 days and after that I have joined as Executive Officer in the First Defendant's temple as my first posting.

Q4: Is it correct to state that you have gained experience after you have joined as Executive Officer in the first defendant's temple?

A: I have trained well during my training period.

Q5: Is it correct to state that Practical experience is different from training knowledge?

A: Yes.

Q6: From which period to which period you have been working in the first defendant's temple?

A: From 27.04.2023 to 04.12.2023.

Q7: I put it to you that since you have not in the first defendant's temple you have no locus standi to depose evidence in this case?

A: I deny.

Q8: Is it correct to state that the cause of action of this suit arose prior to the period as you have been appointed as Executive Officer?

A: Yes.

Q9: Is it correct to state that you have not mentioned in your proof affidavit with regard to the facts you came to know through documents available in the office of the first defendant?

A: Yes. I do not specifically mentioned the documents.

Q10: Is it correct to state that the first defendant's temple is an ancient temple?

A: Yes.

Q11: Originally the temple management was governed by the persons belonging to the Beri Chetty Community people. Is it correct?

A: Yes.

Q12: Is it correct to state that the temple management subsequently managed by the Beri Chetty Community people by the schemes drafted in the Court scheme decree?

A: Yes.

Q13: Is it correct to state that the administration of the first defendant's temple managed by the members who have been elected once in 5 year through election and the management is run by the elected members?

A: Yes.

Q14: In which year the fit person appointed for the first defendant temple?

A: In the year 2013.

Q15: Have you perused the documents relating to the appointment of fit person?

A: Yes. I have seen the documents while I was taking charge.

Q16: Have you filed the appointment order of the fit person?

A: No.

Time: 04.55 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.837 of 2018

Date : 30.01.2025

Time : 03.50 P.M.

Name : Mr.R.Vignesh (DW 1)

DW1 cross examination continuation by Mr.K.Venkateswaran, the learned counsel for the Defendant 6 and 13.

Solemnly affirmed:

Q17: Is it correct to state that the Plaintiff's society was formed in the year 2017?

A: I need to check with the documents.

Q18: Is it correct to state that you have not read the contents of the Plaintiff?

A: No. I know the contents of the Plaintiff.

Q19: I put it to you that you have not read the contents of the plaintiff that is why you cannot answer the year of formation of the plaintiff's society without seeing the document?

A: I deny.

Q20: Is it correct to say that the fit person for the first defendant was appointed in the year 2008?

A: I have to verify the documents.

Q21: Do you know the case filed before the Hon'ble High Court challenging the appointment of the fit person in the year 2008 by one Mr.Balasubramaniam and others?

A: I do not remember.

Q22: In that case the Hon'ble High Court had given permission to conduct election to the post of Trustees and declare the results within 45 days from the date of the Order?

A: I have to verify the documents.

Q23: Further the Hon'ble High Court had ordered that the fit person has to take charge and continue till the new members of the board of the trustee were elected. Is it correct?

A: I have to verify the documents.

Q24: Further as per the Hon'ble High Court order the educational institutions belongs to the first defendant's temple shall be managed by the fit person till the board of trustees were elected, Is it right?

A: Yes.

Q25: The appointment of fit person was challeged in the W.P.No.4991 of 2008, 6566 of 2008, 16756 of 2008 and 17847 of 2008 and as per the order dated 04.08.2008 in the above W.P's the Hon'ble High Court had passed the order for conducting election of the trust board and also taking charge by the fit person of the first defendant's temple?

A: Yes.

Q26: Is it correct to state that the administration of the first defendant temple taken by the fit person in the year 2008 itself?

A: I do not know.

Q27: When was the Muthukumaraswamy Educational Society established?

A: May be in the year 2008.

Q28: Have you filed any documents to prove the establishment of the Muthukumaraswamy Educational Society?

A: Yes filed.

Q29: Is it correct to state that Muthukumaraswamy Devasthanam Educational Society is controlled by the first defendant temple?

A: Yes.

Q30: Is it correct to state that the above said educational society school lands was gifted by the devotees of the first defendant temple?

A: Yes.

Q31: Is it correct to state that from the devotees contribution as donation, the school buildings were constructed?

A: Yes and also Thirukovil Educational Hundi collection were also utilized for construction of the school building.

Q32: Is it correct to state that for construction of school building the funds collected from the public also utilized?

A: Yes. The funds received from the donars were utilized.

Q33: Is it correct to state that the second defendant college building land was purchased from the Housing Board as vacant site and later the building was constructed?

A: Yes. As per the Trust Board Resolution funds were raised for purchase of land.

Q34: Is it correct to state that the government also giving aid to the third, fourth and fifth defendants school for the salary of the staff?

A: Yes.

Q35: Kannabiran Padmavathiammal Primary School, Otteri is not functioning for several years?

A: Yes.

Q36: 7th defendants CBSE school is controlled by 15th defendant educational society. Is it right?

A: No.

Q37: I put it to you that you are very well aware of the fact that the 7th defendants CBSE school is controlled by 15th defendant educational society but you are deposing false as no?

A: At present, the 7th defendant's school is under the control of Muthukumaraswamy Devasthanam Educational Society.

Q38: I put it to you that it is under the control of 7th defendant at present only earlier it was controlled by 15th defendant's educational society?

A: Yes.

Q39: Is it correct to state that Muthukumaraswamy Devasthanam Educational Society and Sree Muthukumaraswamy Educational Society got merged together and in this regard registrar of societies has passed an order on 25.03.2010?

A: Yes. Through the records I came to know.

Q40: Is it correct to state that fit person has not objected for merger of the above two societies?

A: No. Fit person had objected the same.

Q41: I put it to you that you have not filed any document to prove the fit person's objection?

A: I have to verify the documents.

Q42: I put it to you that since the HR & CE Department had not taken any steps against the merger of the above two societies despite of representation given by the plaintiff so the plaintiff has come forward to file the suit in the year 2018?

A: I deny.

Q43: I put it to you that 15th defendant's society and 1st defendant's society were merged and were functioning smoothly that is why fit person has not taken any action against the merger?

A: I deny.

Q44: Is it correct to state that the Hon'ble High Court had appointed retired Hon'ble High Court Judges to administer the first defendant temple as Interim Arrangement?

A: Yes.

Q45: When was this Interim Arrangement came into force?

A: May be in the year 2021. I do not remember the exact year.

Q46: In put it to you that as per the Hon'ble High Court Interim Arrangement the fit person and the executive officer cannot represent the first defendant temple?

A: No. The executive officer is also one of the member in the Interim committee appointed by the Hon'ble High Court.

Q47: I put it to you that you cannot deny the fact that the Hon'ble High Court retired Judge is the head of the Interim Committee?

A: Yes.

Q48: I put it to you that in your proof affidavit did not disclose the fact that the interim committee head had given the authorization to give evidence before this Court?

A: Yes.

Q49: I put it to you that you have no locus standi to depose before this Hon'ble Court?

A: I deny.

Time: 04.55 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