

BEFORE THE ADDITIONAL MASTER-III
HIGH COURT, MADRAS.

TOS.No.20 OF 2018

Date: 07.07.2025

Time: 02.45 P.M.

Name : Mr. K.S.Duraipandi (PW3)

Cross Examination by Mr.R.Bernatsha, Learned counsel for the first Defendant.

Solemnly Affirmed:

Q1: How many years have you know Mr.C.P.Duraisingam?

A: Only at the time of signing this Will I know Mr.C.P.Duraisingam.

Q2: Before signing this Will you don't have any relationship and contact with Mr.C.P.Duraisingam. Is it right?

A: Yes.

Q3: Who requested you to put your signature in the Will as a attesting witness?

A: One Mr.S.B.S.Raman, Advocate.

Q4: Who were present at the time of executing this Will?

A: Myself and one more person by name Mr.R.Sridhar, he is also an advocate and attester.

Q5: How many signatures were present in the last page of the Will prior to you sign in the Will?

A: Testator's signature and Mr.Raman's signature. Mr.Raman drafted the Will.

Q6: I put it to you in which place did you sign the document?

A: In Mr.Duraisingam's house.

Q7: Can you tell the time that you signed the Will?

A: I do not know.

Q8: In which date you signed the Will?

A: 1994 September may be 14th I think.

Q9: Do you know what colour ink pen used by Mr.Duraisignam to sign the Will?

A: I do not remember

Q10: Did you know that Mr.Duraisingam residing with his son Mr.C.D.Krishnamoorthy?

A: I do not know.

Q11: Is it correct to state that you do not know the contents of the Will?

A: I know the contents of the Will.

Q12: What is the main content in the Will?

A: He has given to his son. I hope so, because it was executed 31 years back.

Q13: What was given to his son?

A: That is residence which he was residing

Q14: (Ex.P2 Will is shown to the witness) In the last page of the Will after you and Sridhar signed Mr.S.B.S.Raman signed thereafter?

A: He signed earlier to us.

Q15: I put it to you whoever signed the last foot of the document will be signed first next person sign thereafter only. You are telling lie before this Hon'ble Court

A: I deny. Witness adds: Witnesses were signed on the left side of the last page of the Will, who drafted the Will Mr.S.B.S. Signed earlier to us on the right side.

Q16: (Ex.P2 Will is shown to the witness) Since you know the contents of the Will please see that there is an insertions the word Trichy and having in the second page of the Will. Am I right?

A: Yes.

Q17: Who inserted the above said words in Ex.P2 Will?

A: When I was signing there is an insertion. I do not know who inserted these words.

Q18: (Ex.P2 Will is shown to the witness) I put it to you that there is an another insertion of the number 14th September in the last page of the Will?

A: Yes.

Q19: Can you tell who inserted the above said date and month in Ex.P2 Will?

A: I do not know.

Q20: I put it to you that the plaintiff fabricated the Will subsequent to his father's death and forged the father's signature in the Will and you put your signature in the fabricated Will to help Mr.C.D.Krishnamoorthy at the instigation of S.B.S.Raman, advocate

A: I deny.

Q21: Who directed you to give evidence in this case?

A: Mr.S.B.S.Raman

Cross Examination by Mr.W.M.Abdul Majeed, Learned counsel for the second Defendant.

Q22: What was your age in the year 1994?

A: 42 years.

Q23: From when onwards are you practicing and in which Courts?

A: From 1977 I practice in High Court, City Civil Court, Small Cause Court and Labour Court.

Q24: What is your residential and office address in the year 1994?

A: My residential address is Manikam Maistry street, Royapettah, Chennai 600014 and my office address is 86, Law Chambers.

Q25: Kindly name the testator of the Will?

A: Mr.Duraisingam.

Q26: (Attesting affidavit is shown to the witness) From when are you residing in the address given in the affidavit filed along with the OP?

A: In this address I am residing from 2008 to till date.

Q27: (Attesting affidavit is shown to the witness) The testator of the Will is acquainted with you. Can you elucidate on that?

A: Only at the time of signing the Will.

Q28: Do you mean to say that you do not know Mr.Duraisingam before the date stated in the Ex.P2 Will?

A: Yes.

Q29: Therefore I suggest you that you do not know who Mr.Duraisingam is?

A: I know he is Duraisingam. I read the Will and he said he is Mr.Duraisingam.

Q30: Have you seen any proof to accept the person before you is Duraisingam on the said date?

A: No.

Q31: Where was the testator residing on the said date of execution of Ex.P2 Will? Kindly state the address?

A: I do not remember the exact address but it was signed in his house where he was residing. But it is in Chetpet.

Q32: What was the day on 14.09.1994?

A: I do not remember.

Q33: I put it to you that it was a Court working day. Could you deny that?

A: May be.

Q34: Kindly tell this Court as to what was the time of the signing of the alleged Ex.P2 by Duraisingam?

A: I do not remember.

Q35: Can you tell this Court as to when did you reach the house of Duraisingam?

A: I do not remember.

Q36: When you did not know Duraisingam before Ex.P2 then upon whose instructions or request you straight away reached the house of Duraisingam?

A: On the instruction of Mr.S.B.S.Raman who drafted the Ex.P2 Will.

Q37: When did Mr.Raman gave you these instructions?

A: One day before

Q38: How many Wills have you attested before at the instructions of Mr.Raman?

A: No attestation except this Will.

Q39: Can you explain to the Court as to why the signature found, which you claim to be yours, in green ink?

A: I am also a Notary so I signed it in green ink.

Q40: As per the Notary act you required to maintain records to all those endorsements and attestations, is it right?

A: I signed in this Will only as an advocate not as Notary Public. I have maintained records related to Notary public.

Q41: Can you produce your Notary public records before this Court for the year 1994 to prove that you have not signed Ex.P2 as Notary Public?

A: If I sign it as a Notary I can produce records. I signed it only as an advocate. So there is no question of producing the Notary public records.

Q42: (Ex.P2 Will is shown to the witness) Kindly see the seal in Page No.5 next to your signature and tell the Court as to what is found in the said seal?

A: I signed as a Commissioner of Oaths.

Q43: When you have signed as a Commissioner of Oaths you were expected to maintain records for having sign/attested the same as per the circulars of the Hon'ble High Court and what is the reason why you have not produced those records before this Court?

A: Now I do not have the 1994 records.

Q44: The very same circular of the Hon'ble High Court you are supposed to file returns periodically. Have you filed the same indicating the attestation in Ex.P2 Will?

A: Yes. I would have filed to the Hon'ble High Court.

Q45: (Ex.P2 Will, affidavit of attesting witness and chief examination is shown to the witness) Kindly look into the signature of yours and state whether the signature found in all the three are one and the same?

A: One and the same.

Q46: Then why the words presently signing this is found along with the signatures in the attesting affidavit dated 21.07.2015. What do you say?

A: In 1994 my signature was different after 2015 my signature has changed and 1994 signature. 2015 signature and 2024, 2025 signatures are the same.

Q47: Have you produced any record or document to show that the signature found in Ex.P2 is that of yours?

A: I need not file any proof. Because I agree my signature.

Q48: Who is the other attesting witness?

A: Mr.R.Sridhar, he is also an advocate.

Q49: Are you acquainted with Mr.Sridhar?

A: Yes.

Q50: Where does he live now?

A: I do not know his address.

Q51: In which Court does Mr.Sridhar practice?

A: Hon'ble High Court and City Civil Court.

Q52: How did Mr.Sridhar reach the house of Duraisingam?

A: We both went together.

Q53: What was the mode of transport?

A: Auto rickshaw.

Q54: Who had instructed Sridhar to go to the house of Duraisingam along with you?

A: Mr.S.B.S.Raman

Q55: Are you both juniors or associates of Mr.S.B.S.Raman?

A: I am neither associates nor junior of S.B.S.Raman. Mr.Sridhar was a junior to S.B.S.Raman.

Q56: Tell this Court as to how draft of the final version of Ex.P2 reached the hands of Duraisingam and when?

A: Through Mr.R.Sridhar on 14.09.1994

Q57: Do you mean to say that both you and the said Sridhar had carried the Will for signature along with you while going to the house of Mr.Duraisingam?

A: Mr.R.Sridhar was carrying the Will

Q58: Who had read out the Will to Duraisingam?

A: Myself read out the Will to Duraisingam

Q59: Did Duraisingam told you to do any corrections?

A: He did not tell any correction before that there was a correction. Correction means insertion.

Q60: Kindly tell the Court what is the insertion and who has carried out the insertion in the Ex.P2 Will?

A: I think the insertion is the word Trichy and the date of attesting the Will i.e., 14th September. I do not know who made the insertion in the Ex.P2 Will.

Q61: (Attesting affidavit dated 21.07.2015 is shown to the witness) Can you tell this Court as to why in your attesting affidavit dated 21.07.2015 page No.2 in Para No.4 that you have stated that Mr.Sridhar has signed first and thereafter you have signed in Ex.P2 Will?

A: There is no such statement that Sridhar has signed first then and thereafter I have signed.

Q62: (Attesting affidavit dated 21.07.2015 is shown to the witness) Do you admit that the statement "Foot of the said testamentary paper as of the parties attesting execution of the same are in the proper and respective handwriting of said Mr.R.Sridhar and that of me this deponent respectively" is found in the page No.2 in Para No.4?

A: Yes. It is there but it does not say Mr.Sridhar has signed first then and thereafter I have signed.

Q63: What was the age of Duraisingam on the date of the execution of the Ex.P2 Will?

A: I do not remember.

Q64: Kindly tell this Court, how many signatures were affixed by Mr.Duraisingam in Ex.P2 Will?

A: On each page he signed but I do not remember how many signatures.

Q65: When the signature of Mr.Sridhar is found along with his address why have you not inscribed your addresss or your full description to show that you have signed Ex.P2 only as an advocate?

A: In my seal Commissioner of Oaths, there is my address i.e., 86 Law Chambers.

Q66: Therefore you admit that you signed the document in your capacity as Commissioner of Oaths, Could you deny the same and on what basis?

A: Yes. Witness adds: At that time I did not have my advocate seal. So I used the seal of Commissioner of Oaths.

Q67: Why did not the other attesting witness Sridhar state anywhere that he is an advocate whereas what necessitated you to affix your official seal?

A: They said anyone of us can use the seal. He may not have seal. He written his address only by pen.

Q68: Can you tell the Court as to what do you mean by the word they in Q.No.67?

A: They means Mr.R.Sridhar.

Q69: Why did not your enrollment No. or Commissioner of Oaths No. was stated which is normally required by signing any document?

A: Commissioner of Oaths is only for 5 years there is no automatic extension. Even there is no number for Commissioner of Oaths.

Q70: (Attesting affidavit dated 21.07.2015 is shown to the witness) Kindly look into your affidavit dated 21.07.2015 and tell this Court that the serial no of the Commissioner of Oaths who has attested your signature is available or not?

A: There is a serial number. Witness adds: There is no stringent rules to put serial number in the Commissioner of Oaths seal.

Q71: Kindly tell this Court as to what is your serial number as Commissioner of Oaths both in the year 1994 and now?

A: I do not remember for both.

Q72: I put it to you that, on the alleged date of Ex.P2 Duraisingam was already 76 years old and was not in a good healthy and mental state to sign the document in Ex.P2?

A: I deny.

Q73: Can you tell this Court as to how many floors the house of Duraisingam had and in which particular place of the house you had met the said Mr.Duraisingam?

A: I do not remember because it happened in the year of 1994. Witness adds: But he was in sound and disposing state of mind.

Q74: I put it to you that due to his advanced age and health issues Mr.Duraisingam could not even move or hear properly and therefore the claim that you had read over the Will and he has heard and signed the Will is absolutely false.

A: I deny.

Q75: Can you tell this Court as to who were the other members of the family available in the house and who had welcomed you on your reaching the house?

A: I do not remember

Q76: Do you have any problem in recollecting your memory because of your age or otherwise?

A: No. Witness adds: I am in a sound state of mind and recollecting all my memories but it happened 31 years back.

Q77: Why did not you gave any suggestion to Mr.Duraisingam to register the Will?

A: It is not my duty.

Q78: You very well know that Mr.Duraisingam was completely immobile and he had certainly not signed the Will therefore you have not given such suggestion.

A: I deny.

Q79: After the alleged signing what happened to the Will?

A: I do not know. How can I answer for this question.

Q80: To whom the custody of the Will was given and who has given the custody?

A: I do not know.

Q81: After having signed what did Mr.Duraisingam do?

A: I do not remember

Q82: I put it to you that you have come here to give evidence after the scribe PW2 Mr.S.B.S.Raman to fill up the lacunae as he happens to be your senior and wellwisher?

A: I deny. Mr.S.B.S.Raman is not senior to me and he is 2 years junior to me.

Q83: I put it to you that you have neither seen Mr.Duraisingam nor the other witness Sridhar affixing any signature in Ex.P2 and that is the reason why you were not able to recall and give cogent answers.

A: I deny.

Q84: I put it to you that only for the sake of and for the instruction of Mr.S.B.S.Raman you come to Court to give false evidence.

A: I deny. Witness adds: As a attesting witness I have come to the Court.

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-III