

BEFORE THE ADDITIONAL MASTER-III
HIGH COURT, MADRAS.

TOS.No.20 OF 2018

Date:

22.04.2024

Time: 01.29

P.M.

Name : Mr. C.D. Krishnamoorthy (PW1)

Continuation of cross examination by Mr. Abdul Majeed, Learned
counsel for the 2nd defendant.

Solemnly Affirmed:

Q194: What is the date on which the certificate under Section 65B of the
Evidence Act signed by you and filed before this Hon'ble Court?

A: On 31.07.2023 the date on which I have filed the above said
certificate.

Q195: Is it correct to state that this certificate under Section 65B filed by
you is with regard to Ex.P3, Ex.P4 and Ex.P10?

A: Yes.

Q196: The computer as well as the phone number stated in the affidavit
are not that of yours, is it correct?

A: Yes.

Q197: They were never under your control, is it correct?

A: Yes.

Q198: When that is the case on what basis, have you filed a certificate
with regard to the computer and the phone numbers under Section 65B of
the Evidence Act?

A: As per the instructions given by the Registrar Office, Nolambur, I
have downloaded the above document from the nearest Net centre.

Q199: Have you stated this above said statement either in the certificate

or in your proof affidavit, if no, then how do you sustain the certificate that it is not a false certificate?

A: No. It is not a false certificate.

Q200: (Ex.P3 and Ex.P4 are shown to the witness.) Kindly ready Ex.P3 and Ex.P4 and tell the court, what is the endorsement made at the end of the document by the registering authorities?

A: The endorsement found on the last page made by the registering authorities is that a duplicate issued on 27.12.2015 in lieu of the original document being damaged due to floods.

Q201: Then, where is the original of Ex.P3 and Ex.P4?

A: It is with the 1st defendant, Pavithra.

Q202: When you have obtained documents Ex.P3 and Ex.P4 stating that original documents held by you have been damaged and now stating that the documents are with the 1st defendant, you are trying to mislead the court by make false statement, how would you deny the same?

A: I never stated that the documents were damaged due to floods.

Q203: Have you stated in the certificate under Section 65B as to when you have applied and when you have obtained the documents in Exs.P3, P4 and P10?

A: No. I have not stated.

Q204: Then, I put it to you that the certificate under Section 65B of the Evidence Act filed by you is not the sufficient certificate for the above documents.

A: I deny.

Q205: Who is Antony Pramila Moses?

A: She was our tenant.

Q206: When did she vacate the ground floor?

A: Must be more than 10 years.

Q207: I put it to you that she had vacated in the year 2005 and at the time of vacating the house and her demand of payment of Rs.1 lakh was met only by the 2nd defendant.

A: I deny.

Q208: Have you produced any record to show that she was settled out of any other funds other than the fund given by the 2nd defendant?

A: No.

Q209: What was the rent paid by her before she vacated?

A: She was paying only Rs.2,000/- per month.

Q210: Was there any renovation done after Antony Pramila Moses vacated the house?

A: No.

Q211: I put it to you that a renovation was done after the vacant possession being handed over by the above tenant and purposefully for the sake of this case you are telling lie on oath.

A: I deny.

Q212: I put it to you that the renovated portion of ground floor had fetched a rent of Rs.16,000/- after the renovation and you have been receiving the rents, while the expenses for the renovation of Rs.3 lakhs was given by the 2nd defendant.

A: I deny.

Q213: What was the expenses of the last rites of Mr. C.P. Duraisingam?

A: Rs.20,000/-

Q214: When you have said that you were not employed, how did you manage the said amount?

A: I had borrowed from my friends.

Q215: How did you repay the said friends, have you stated all these things in your application and proof affidavit?

A: I have not stated in my application and proof affidavit.

Q216: I put it to you that D2 alone had paid Rs.50,000/- for the entire last ceremonies of the late C.P. Duraisingam and you are purposefully making a false statement on oath.

A: I deny.

Q217: Have you given any explanation with regard to the delay in filing the above OP, if not what is the reason?

A: It would have been stated.

Q218: If that be so, kindly look into your OP application as well as your proof affidavit and point out the relevant portion where it has been stated, if not, how would you not admit that you are telling a lie on oath?

A: It is not in the OP. I have stated in the TOS.

Re-Examination : Nil.

Time : 02.00 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 (AM-IV, I/c)