

BEFORE THE ADDITIONAL MASTER III,
HIGH COURT, MADRAS
TOS.No.20 OF 2018

Date :13.08..2024

Time :12.40 p.m

Name : Mr. S.B.S.Raman (PW2)

Cross Examination by Mr. R.Bernatsha, Learned Counsel for the D1.

Solemnly affirmed:

Q1: How long did you know Mr.Duraisingam?

A: From 1980 I have know Mr.Duraisingam.

Q2: Did he give any case to you as an advocate?

A: Mr.Duraisingam worked for Fermier Industries. They would have issues with unpaid bills so, he would contact me for issuing notice on his behalf. But, no suits were filed.

Q3: Did you have cordial relationship with Mr.Duraisingam from 1980 till his death as a friend and as well as client?

A: Yes. Witness adds: Towards his end he was not in good condition at that time we lost contact.

Q4: For how many years you were not in touch with Mr.Duraisingam?

A: 2 to 3 years.

Q5: When did he approach to prepare the WILL and tell me the exact date?

A: I remember it was September 1994. Witness adds: He came discussed with me and I prepared the WILL and gave it to him. Then he signed in the WILL and returned to me in the sealed cover. Those things are happened in one or two weeks in the same month.

Q6: Did Mr.Duraisingam regularly meet you at your office?

A: In my chamber as well as sometimes in my home office.

Q7: Where was your office at that time?

A: I was in No.86, Additional Law Chamber. And I also have office at my home.

Q8: Did you know the other family members of Mr.Duraisingam?

A: I do not know. Witness adds: I had not met the family members at that time.

Q9: Can you tell who were all residing with Mr.Duraisingam?

A: I think his son was staying with him. I am not aware any others was staying with him.

Q10: Is it correct that his son is Mr.C.D.Krishnamurthy who is the petitioner herein was residing with Mr.Duraisingam?

A: Yes.

Q11: Did you type the WILL by your own or your typist?

A: I do not remember now whether I typed the WILL or my typist. But, I had a computer in my home at that time.

Q12: From which printer you have taken the print?

A: Epson dot matrix printer.

Q13: Can you tell that after drafted the WILL when you handed over the WILL to him?

A: I remember the month is September. I do not know the exact date. It would have been most probably handed over in my chamber.

Q14: Are you aware when the document is going to be executed?

A: No.

Q15: I put it to you that you do not know who were all there when the document was executed?

A: My Junior Mr.Sridhar and Advocate, Notary Public and Commissioner of Oaths Mr.K.S.Duraipandi were there. Witness adds: Mr.Duraisingam knows of them who are well known to the deceased.

Q16: I put it to you that during the time of execution you were there.

A: I do not remember. I cannot confirm whether I was there or not.

Q17: I put it to you that you are telling lie during the time of execution of document, you can able to say that who are all present at that time but, you cannot tell that you do not remember .

A: I deny.

Q18: Can you tell the time of the execution?

A: I do not know.

Q19: Is it correct to state that there is an insertion of the words 'Trichy and Having' in Pg.No.2 of the WILL?

A: Yes, it is correct.

Q20: Is it correct to state that Mr.Duraisingam also put his counter signature against the insertion?

A: Yes.

Q21: In Pg.No.6 of the WILL there is an insertion of '14th September'. Is it correct?

A: Yes.

Q22: Is it correct to state that you have not get any counter signature from the testator

for the insertion of the ascertained '14th September'?

A: Yes. Witness adds: There is no counter signature.

Q23: I put it to you that the date of the execution of WILL is very much important.

A: Correct.

Q24: Whether you met Mr.Duraisingam after the execution of WILL?

A: Yes. Witness adds: After handing over the executed WILL also we met.

Q25: Can you tell the specific date when the sealed cover was handed over?

A: I do not remember the exact date. But, it is in the month of September.

Q26: Who handed over the sealed cover to you?

A: Mr.Duraisingam.

Q27: When did you put your signature in the WILL?

A: At the time of handing over the printed document to Mr.Duraisingam.

Q28: In which date you got the information that Mr.Duraisingam died?

A: I am not able to recall the date.

Q29: Can you tell that who informed the death of Mr.Duraisingam?

A: His son Mr.Krishnamurthy.

Q30: According to the petitioner Mr.Duraisingam died on 22.10.2008. Can you tell that when you got the information based on the death date?

A: I have already answered. Witness adds: I am not able to recall the date.

Q31: When did you inform that you had a sealed cover of WILL to Mr.Krishnamurthy?

A: It must have been sometime in 2013. Witness adds: Mr.Duraisingam had told me that he had made adequate provision for his daughters during his lifetime.

Q32: Had you met Mr.Krishnamurthy in between 2008 and 2013?

A: I do not recall the dates.

Q33: Since, the sealed covers was with you, it is your duty to inform all the legal heirs of the Mr.Duraisingam to open the sealed cover.

A: Mr.Duraisingam had told me that the terms of his WILL were known to all the legal heirs and his son was the only beneficiary. Witness adds: I am not sure about the date when I actually came to know about the death of Mr.Duraisingam.

Q34: Who call for all the legal heirs to your office?

A: I called for all the legal heirs.

Q35: (WILL is shown to the witness). Mr.Duraisingam had 4 legal heirs. Am I correct?

A: Yes, it is correct. Witness adds: I find from the WILL but, I do not have the direct knowledge.

Q36: In your proof affidavit you have said that you have convened a meeting for all the legal heirs of Mr.Duraisingam. Is it correct?

A: Yes.

Q37: Is it correct that C.P.Usha Devi Anandhan is also one of the legal heir of Mr.Duraisingam?

A: Yes.

Q38: Whether she participated in the meeting?

A: I do not remember.

Q39: In the proof affidavit you said that the sealed cover was opened before all the legal heirs of Mr.Duraisingam. Is it correct?

A: Yes.

Q40: Am I correct to state that when you conducted the meeting one of the legal heir C.P.Usha Devi Anandhan has not participated?

A: Yes.

Time: 01.20 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-III