

BEFORE THE ADDITIONAL MASTER-III
HIGH COURT, MADRAS.

C.S.No.31 OF 2021
and
TOS. No.3 OF 2018

Date: 24.11.2025
Time: 01.10 P.M.

Name : Mr.Purushothama Raju (DW1)

Cross Examination by Mr.N.Kishore Kumar, Learned counsel for the plaintiff in CS.31/2021 and defendant in TOS.3/2018.

Solemnly Affirmed:

Q1: What was the suit filed for?

A: To probate the Will filed by the executor.

Q2: Do you know is there any other case filed?

A: The case filed only to probate the Will.

Q3: What do you mean probate?

A: City property be valid only by probated.

Q4: Do you know the case number for probate?

A: Yes, TOS.3/2018.

Q5: What is CS.31/2021?

A: I do not know.

Q6: Who filed TOS.3/2018?

A: The executor Mr.Arunagiri filed this TOS.3/2018.

Q7: Why not Mr.Arunagiri come to this Court to depose evidence?

A: I do not know.

Q8: I put it to you that Ex.D3 Will is forged and fabricated and a make to belief the document. That is why the executor has not come forward to give evidence regarding Ex.D3 Will.

A: How do I know it is a forgery. It is a registered Will.

Q9: Who is the attesting witness of the Ex.D3 Will?

A: One witness name is Mr.Valluvan, college professor (now retired) and the another witness is Mr.Natarajan, P.A to the Minister.

Q10: Are you examine the attesting witness of Ex.D3 Will?

A: Yes.

Q11: Who was the testator of the Ex.D3 Will?

A: I do not know.

Q12: What is the age of the testator of the Ex.D3 Will?

A: I do not know the age of the testator of the Ex.D3 Will.

Q13: What is your mother's name?

A: Mrs.Santhakumari.

Q14: How many children that your mother had?

A: One girl and two boy namely Mrs.Jayakumari, myself and Rajendrababu.

Q15: Whether all three is alive?

A: Rajendrababu expired.

Q16: How many wives and children that Rajendrababu had?

A: 2 wives and 3 children.

Q17: What is the name of the second wife of Rajendrababu?

A: Gnanambal.

Q18: (Plaint in CS.31/2021 is shown to the witness) D2 is the first wife of Rajendrababu and the D3 to D5 are the children of Rajendrababu. Is it right?

A: Yes.

Q19: Whether D2 to D5 are the legal heirs of your mother along with the plaintiff in CS.31/2021?

A: No. Witness adds: Myself and plaintiff Jayakumari are only legal heirs.

Q20: Whether you implead the legal heirs of Rajendrababu in TOS.3/2018?

A: No.

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Q21: Did the executor called you to give evidence?

A: No.

Q22: Whether you called the executor to give evidence?

A: I do not know the present address of the executor. So, I did not call him.

Q23: Is it right that after the filing of this TOS.3/2018 you had no contact with the executor?

A: Yes.

Q24: Whether the executor filed this case by himself or as per your advise?

A: We commonly discussed the facts and then he filed this case since I asked.

Q25: Was the case filing expenses paid by you?

A: Yes.

Q26: Where is the suit schedule property?

A: It is in Anna Nagar.

Q27: What is the value of the suit property?

A: Rs.4 to 5 Crores.

Q28: How many floors in the building?

A: Ground floor and 2 other floors. Second floor has half building.

Q29: Where are you residing?

A: I am in the ground floor.

Q30: Who reside in the first and second floor?

A: Tenants.

Q31: Are you rented the above said floors?

A: Yes.

Q32: What is the total rent amount?

A: Same tenant residing the first and second floor. Total rent amount is Rs.60,000/- per month.

Q33: Have you collected the rent?

A: Yes.

Q34: Whether it is a residential building or commercial building?

A: Commercial. Witness adds: Tenant is running a tailoring business.

Q35: How was the health of your mother/testator?

A: She was healthy and well till her death.

Q36: I put it to you that you are falsely deposing that your mother is healthy.

A: I deny. Witness adds: She was diabetic and she had undergone knee operation and nothing else.

Q37: Whether your mother admitted in hospital?

A: Yes.

Q38: How many times your mother admitted in hospital?

A: For knee operation she was admitted in Miot Hospital for 10 days and then lastly she was admitted KHM Hospital for 9 months.

Q39: I put it to you that your mother took care by nurse and attenders in your home for several years.

A: Yes. Witness adds: From 2009 to 2011 my mother was assisted by servant and she regularly using wheel chair and in the remaining time she was in bed.

Q40: What is the name of the servant who assisted your mother?

A: Lakshmi.

Q41: What is the problem to appoint assistance to your mother?

A: The assistant was for taking care of the testator's natural calls including motion and clean her. The food was given and feeded by my wife and myself.

Q42: Why you feed your mother and also assist her even for basic natural calls?

A: She will be dull. She laugh. She will open her mouth and we have to pour coffee in her mouth.

Q43: I put it to you that she was repeatedly hospitalized and had mental health issues senility, forgetfulness for several years.

A: I deny. Witness adds: She will speak one or two words with smile and identified the persons.

Q44: Do you know when the Will was executed?

A: In the month of October 2011.

Q45: When did your mother expire?

A: 23.12.2012

Q46: When your mother executed the Will?

A: I do not know.

Q47: I put it to you that your mother the testatrix suffered from dementia from 2005.

A: I deny. Witness adds: She suffered dementia lastly when she was admitted in KHM Hospital.

Q48: What is your mother's qualification?

A: My mother is educated a Siddha Doctor and obtained a degree BIM. My mother is a well-educated and she writes and reads very well.

Q49: Whether your mother employed?

A: She worked as a Siddha Doctor before her marriage with Iyya.

Q50: Whether she worked before married Anbalagan as his second wife?

A: Yes.

Q51: What is your educational qualification?

A: DME.

Q52: Do you know the children of your brother Late Rajendrababu who is D2 to D5 in CS.31/2021 are living pathetic and bad condition?

A: I do not know.

Q53: Do you know the death of the first daughter Late Kanimozhi of the plaintiff in CS.31/2021?

A: Yes.

Q54: Whether Late Kanimozhi was a practicing advocate in this Hon'ble High Court?

A: Yes.

Q55: I put it to you that your mother suffered due to illness and mental health long time and the plaintiff and D2 to D5 and the second wife of Late Rajendrababu also took care of the Late testatrix in turns. What do you say?

A: I deny. Witness adds: They came as a visitors.

Q56: Whether your mother arranged the marriage of Kanimozhi and her sister D3 to D5?

A: I do not know. Witness adds: I was with my mother from 2005 prior to that I also came and see my mother as a visitor.

Q57: (Ex.D2 is shown to the witness) Whether you applied this document?

A: Yes.

Q58: Whether you had given the supporting documents to issue legal heir certificate?

A: At the point of time, my step father Mr.Anbalagan was a minister in power and we got it through officials there.

Q59: Whether you produced the details of the names of the three legal heirs of the testatrix and the legal heirs of deceased Rajendrababu?

A: No, I did not.

Q60: (Ex.D2 is shown to the witness) I put it to you that Ex.D2 is a fabricated document and it was obtained by influence without mentioning all the legal heirs of your mother.

A: I deny.

Q61: Where did your mother expire?

A: My mother expired at KHM Hospital.

Q62: Why did the testatrix did not approach her own grand daughter late Kanimozhi, advocate or any close advocate known to her husband who was a minister?

A: I do not know. Witness adds: My mother expired on 23.12.2012. On 9th day my mother photo was opened at that time the said Will is handed over to my son and also intimate the execution of the Will in front of family members.

Q63: I put it to you that you have falsely depose the above said facts for the purpose of this case.

A: I deny.

Q64: Are you aware that your sister Jayakumari plaintiff in CS.31/2021 lives in a house which is dilapidated condition and she is also living in poor condition?

A: What can I do. The building that I am living is also in the same condition.

Q65: Whether the legal heirs of your brother Rajendrababu and the plaintiff Jayakumari asking share in the property to you?

A: No.

Q66: Whether they have filed a partition suit?

A: Yes. Witness adds: Executor filed probate application. Jayakumari filed partition suit.

Q67: Whether Jayakumari alone filed partition suit or by legal heirs of Rajendrababu?

A: Only Jayakumari filed the suit for partition.

Q68: Where was the Will executed?

A: I do not know.

Q69: Whether the attesting witness in the Ex.D3 Will was aware of your mother?

A: Yes.

Q70: I put it to you that when the testatrix your mother signed the Will no body witnessed it.

A: I do not know.

Q71: Whether your mother signs in English or Tamil?

A: She signs in English.

Q72: Whether your mother signed in English or Tamil in the Will?

A: She signed in English and also affixed thumb impression.

Q73: How do you know about the signature when you have told that you do not know anything about execution of the Will?

A: I saw in the Ex.D3 Will and know it.

Q74: Why did your mother affixed thumb impression in Ex.D3 Will when she usually signs in the document and she is also educated person and qualified doctor?

A: I do not know.

Q75: I put it to you that your mother was not in a position to sign in the Ex.D3 Will and she was mentally ill, senile and suffering from dementia and also she was unfit to execute the Will.

A: I deny. Witness adds: Till her last breath she was in good condition.

Q76: You have cheated, forged your own mother who was suffering from mental dementia and executed a fabricated and forged Will by forcefully affixing her thumb impression. Hence, the Ex.D3 Will is not valid in law.

A: I deny.

Q77: Similarly, you have cheated your own sister, deceased brother and his legal heirs and trying to usurp their shares and properties by forged and fabricated Will.

A: I deny.

Time : 03.10 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-III