

BEFORE THE ADDITIONAL MASTER-III
HIGH COURT, MADRAS.

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

As per the order in CS.No.826/2016 in TOS.No.34/2018, dated 17.04.2024 oral evidence of attesting witness is recorded.

Date: 27.02.2026
Time: 12.50 P.M.

Name : Mr.Natarajan (PW2)

Continuation of Chief Examination by Mrs.Poornima, Learned counsel for the plaintiff in TOS.No.3/2018 and defendant in CS.No.31/2021.

Solemnly affirmed:

Q7: (Ex.D3 Will is shown to the witness) Is this a Will executed by Santhakumari?

A: Yes.

Q8: (Ex.D3 Will is shown to the witness) Whether you were present and signed as an attesting witness in Ex.D3 Will?

A: Yes, the second attesting signature is mine.

Q9: (Ex.D3 Will is shown to the witness) Who is the first attesting witness?

A: Thiruvalluvan, he is expired due to his oldage. He was working as a professor in Pachaiappa College.

Q10: (Ex.D3 Will is shown to the witness) Did you see when the first attesting witness signed Ex.D3 Will?

A: Yes.

Q11: (Ex.D3 Will is shown to the witness) Whether you and the first attesting witness are signed as a attesting witness in the same time?

A: Yes.

Q12: (Ex.D3 Will is shown to the witness) Whether you were present in the Register Office at the time of registration of Ex.D3 Will?

A: Yes.

Q13: (Ex.D3 Will is shown to the witness) Can you say who affixed the thumb impression in all the pages of the Ex.D3 Will?

A: Santhakumari affixed her thumb impression.

Q14: (Ex.D3 Will is shown to the witness) Who prepared this Ex.D3 Will?

A: One advocate who known to the Perasiriyar Anbalagan. I do not know the name of this advocate.

Q15: How long you were known Santhakumari?

A: 35 years. Witness adds: In the year 1989 I had joined the job from this time onwards I know her until her death.

Q16: (Ex.D3 Will is shown to the witness) Do you remember when the Will was executed?

A: In the year 2011. I do not remember the exact date.

Q17: (Ex.D3 Will is shown to the witness) Whether the testatrix Santhakumari was hale and healthy at the time of execution of Ex.D3 Will?

A: Yes. Witness adds: Due to her overweight of 110 k.g she was unable to walk.

Q18: (Ex.D3 Will is shown to the witness) Whether you know the contents of the Ex.D3 Will?

A: Yes. Witness adds: The testatrix Santhakumari invited her son Purusothamaraju when he was worked in Vellore to take care of herself and her husband Perasiriyar Anbalagan.

Q19: (Ex.D3 Will is shown to the witness) Anybody compel you to sign as a attesting witness in Ex.D3 Will?

A: No.

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

Q1: Who asked you to come and give evidence?

A: Anbalagan ayya told me.

Q2: Whether Santhakumari did not ask you to come evidence?

A: No.

Q3: Today, who brought you to this Court?

A: I already appeared. The next hearing date intimated by this Court. I booked call taxi and come to this Court.

Q4: Who informed the pending of the case?

A: The next hearing date intimated by this Court. Purusothamaraju informed the pendency of this case.

Q5: What else did Purusothamaraju tell to you?

A: Mr.Purusothamaraju told about the pendency of this case and also asked me to told what was told by Anbalagan to you and nothing more.

Q6: Who paid the travel expenses to you today?

A: I draw pension amount more than Rs.40,000/-. Myself paid the travel expenses.

Q7: Whether you signed in the Ex.D3 Will at the request of Anbalagan Ayya?

A: Yes.

Q8: Who were all present when the Will was executed?

A: Myself, Perasiriyar Valluvan, Probator Santhakumari, Arunagiri and Ayya

Q9: Where the Ex.D3 Will was executed?

A: The Will was executed in the residence of Ayya at First floor, Anna Nagar, Chennai.

Q10: Whether Sub Registrar came to the residence of Ayya?

A: Yes. Sub Registrar and one assistant came to the residence of Ayya.

Q11: Why not the Ex.D3 Will not registered at Sub Registrar Office?

A: Due to her overweight, Ayya asked to come to the residence.

Q12: What was the educational qualification of Santhakumari?

A: She was learned Siddha Vaithiyam orally but not as a doctor. Maybe she completed 9th or 10th standard.

Q13: Whether all are signed in the Ex.D3 Will simultaneously?

A: We are signed one by one.

Q14: Who signed the Ex.D3 Will in order?

A: Valluvan, second me, third executor S.Arunagiri then Santhakumari affixed her thumb impression in the presence of Sub Registrar.

Q15: Whether Purusothamaraju present at the time of execution of Ex.D3 Will?

A: No. Witness adds: He went office. His wife was doing kitchen work.

Q16: Whether the son of Mr.Purusothamaraju present at the time of execution of Ex.D3 Will?

A: No.

Q17: Whether the testatrix Santhakumari regularly affixed the thumb impression?

A: From 1996 she affixed her thumb impression. Before that I do not know.

Q18: Why the testatrix Santhakumari affixed the thumb impression?

A: Due to overweight and uneasy to lift the hand she affixed her thumb impression. Usually two persons helped her to walk and the hands were swollen.

Q19: Whether she was in the same condition at the time of execution of Ex.D3 Will?

A: Yes.

Q20: (Ex.D3 Will is shown to the witness) Please see the photo affixed on the endorsement page. Who is she?

A: Santhakumari.

Q21: (Ex.D3 Will is shown to the witness) Does she look overweight?

A: She lost weight and shape that is why she is looking like this.

Q22: Why she wear nighty?

A: Due to her convenience for the natural call and other activities. 2 ladies helped her always.

Q23: I put it to you that the testatrix was mentally ill and suffering from Dementia at the time of execution of Ex.D3 Will.

A: I deny. Witness adds: After one week or 10 days of execution of the Ex.D3 Will she was bed ridden.

Q24: I put it to you that she was suffering from Dementia and mental illness and she was in treatment for several years.

A: I deny. Witness adds: For sugar she was taking medicine.

Q25: (Ex.D3 Will is shown to the witness) Do you know what was written in Ex.D3 Will?

A: Will was written to giving the property to Purusothamaraju.

Q26: (Ex.D3 Will is shown to the witness) Who told the above said facts to you?

A: Ayya Anbalagan.

Q27: I put it to you that the properties stated in Ex.D3 Will is not solely given to Purusothamanraju.

A: Yes. Witness adds: To family and Purusothamaraju and his son and wife and the property was given by Anbalagan

Q28: You are stated the other witness died. Who told you?

A: When I casually met the executor he told that the other witness Valluvan passed away.

Q29: Do you know personally the death of the another attesting witness?

A: I do not know personally. I did not see.

Q30: I put it to you that Anbalagan told you that the property will go to Purusothamaraju and in one week or 10 days after execution of the Ex.D3 Will.

A: Yes.

Time : 01.40 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