

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS

T.O.S.No.32 of 2018

Date : 22.07.2024

Time : 11.50 A.M.

Name : Mr.S.Balachandran (PW 1)

Age : 58 Years

Father's Name : Mr.Srinivasan (late)

Residential Address : No.8, (New No.15) First Main Road,
Postal Colony, First Street, Chennai – 600 033.

PW1 examined in chief by Mr.R.Krishnamurthy, the learned counsel for the Plaintiff.

Solemnly affirmed:

I am the Plaintiff herein. I am filing my proof affidavit stating the facts of this case and the same may be treated as part and parcel of my examination-in-chief.

Time: 11.55 A.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 – I

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS

T.O.S.No.32 of 2018

Date : 06.08.2024

Time : 04.35 P.M.

Name : Mr.S.Balachandran (PW 1)

PW1 chief continuation by Mr.R.Krishnamurthy, the learned counsel for the Plaintiff.

Solemnly affirmed:

The following documents are marked as exhibits.

Ex.P1 is the Original Will executed by K.Sita on 14.06.2000.

Ex.P2 is the photocopy of the Death Certificate of K.Sita.

Ex.P3 is the printout of the Proof of the Valuation of the property dated 08.04.2017. (Certificate u/s 65-B of I.E.Act produced).

Ex.P4 is the Encumbrance Certificate dated 16.06.2017.

Time: 04.45 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 - I

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS

T.O.S.No.32 of 2018

Date : 29.08.2024

Time : 04.10 P.M.

Name : Mr.S.Balachandran (PW 1)

PW1 cross examination by Mr.R.Sanjay, the learned counsel for the Defendant.

Solemnly affirmed:

Q1: What is the relief you are claiming in the petition?

A: To probate the Will.

Q2: What is your relationship with the deceased?

A: She is father's Sister (My aunt).

Q3: Who are the beneficiaries in the Will?

A: Beneficiaries are two religious institutions. Thirpura Sundari Nikethan and Srivansa Nikethan. I am only the executor.

Q4: Have you served any notice on the institutions mentioned in the Will?

A: No.

Q5: Section 100 of HR & CE Act to probate the property in favour of any religious institutions Assistant Commissioner of HR & CE as to be made as a party. Have you made them as a party in the petition?

A: No.

Q6: When did the deceased Testatrix Sita die?

A: June 2015.

Q7: Who is the legal heirs of the deceased Testatrix?

A: No issues. Husband (First Defendant) was alive at that time of execution of Will.

Q8: What is the relationship between the first and the second defendant?

A: First defendant is the Brother of the second defendant.

Q9: Is he the Legal Heir of the first defendant?

A: Yes.

Q10: Do you have any right over the property?

A: I have no right. Only for the probate as per the Will.

Q11: When did you file the petition?

A: In July 2017.

Q12: Only to deny the rights of the defendants in the property you have filed this petition with forged Will?

A: I deny. Will was not with me. Will was in her house only.

Q13: You have filed this petition after a huge delay after the death of the Testatrix. By that time the property is devolved to the first defendant since he is the only legal heir of the Testatrix?

A: I deny. It is a registered Will.

Q14: When did the existence of this Will came to your knowledge?

A: In 2017.

Q15: How did the Will come into the knowledge?

A: Due to rain while cleaning the house I got the Will.

Q16: Plaintiff is shown to the Witness. As per para 10 of your Plaintiff you have mentioned that “was not able to locate the Will to probate the same”. What do you say?

A: I have seen the Will only in February 2017.

Q17: Is it right to state that you have not mentioned in the Petition only in February 2017 you came to the knowledge about the Will?

A: Yes.

Q18: Have you filed any Valuation Report of the Property?

A: I have not filed any Valuation Report. Through Court Valuation Report has been obtained.

Q19: You have filed Valuation Report along with the 65-B Petition is marked as Ex.P3 in support thereof. Is it right?

A: Yes.

Q20: I put it to you that you have undervalued the property only showing the Guideline value with the intention to defraud the excess money?

A: I deny.

Q21: You have failed to include the value of the Super Structure in the petition. Is it right?

A: The Super Structure in the land is in damaged condition.

Q22: I put it to you that the petition is not maintainable as non joinder of necessary party of HR & CE?

A: I deny.

Q23: I put it to you that Sita has not executed any Will in her Life time and the present Will is the forged one?

A: I deny.

Time: 04.35 P.M

Taken down in open Court, read over and the same is admitted by the witness to be correct and signed before me.

ADDITIONAL MASTER – I

BEFORE THE ADDITIONAL MASTER I,
HIGH COURT, MADRAS

T.O.S.No.32 of 2018

Date : 12.09.2024

Time : 03.05 P.M.

Name : Mr.S.Balachandran (PW 1)

PW1 cross examination continuation by Mr.R.Sanjay, the learned counsel for the Defendant.

Solemnly affirmed:

Q24: I put it to you that you have not added the HR & CE Department as Party with an intention to defraud them?

A: I deny.

Q25: Do you have any objection to selling the property in public auction to ensure the fairness?

A: I have come to the Court for probate the Will, selling the property does not arise at this stage.

Time: 03.15 P.M.

Taken down in open Court, read over and the same is admitted by the witness to be correct and signed before me.

ADDITIONAL MASTER – I

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