

BEFORE THE ADDITIONAL MASTER-III
HIGH COURT, MADRAS.

T.O.S.No.6 OF 2018
C.S.No.376 OF 2017

Date: 26.06.2024
Time: 11.45 A.M.

Name : Mr. Vasanth K. Cycil (PW1)

Cross Examination by Mr. R. Kumar, Learned counsel for the defendant in TOS 6 of 2018 and the plaintiff in CS 376/2017..

Solemnly Affirmed:

Q1: You have stated in your written statement that you are running a business. What is the name of the company?

A: Carica Foods Pvt. Ltd.

Q2: What is the nature of business?

A: It is the Food processing company.

Q3: Who were all the directors of the company?

A: Myself and my wife.

Q4: What is your qualification?

A: Bachelor in Chemical Engineering.

Q5: How many employees were in your company?

A: When it was running, 10 people were there.

Q6: Is it the manufacturing company?

A: Yes.

Q7: Were you managing the company?

A: Yes.

Q8: When did you start the company?

A: In 1989.

Q9: How long it was running?

A: Till 2001.

Q10: Was it making profit in the early time?

A: No.

Q11: Was your company assessed Income tax?

A: Yes.

Q12: When did you close the company?

A: It was taken over by the bank.

Q13: When it was taken over by the bank?

A: In 2003-2004.

Q14: Where the factory was running?

A: In Padappai.

Q15: Was the factory running in item 2 of the suit schedule property?

A: No.

Q16: In your written statement you have stated that the company suffered heavy loss.
What was the loss?

A: More than Rs.60 Lakhs.

Q17: You have said that your company was an Income tax assessee. Have you filed any proof for the loss?

A: No.

Q18: You have stated in your proof affidavit that your father mortgaged item 2 of the suit schedule property in Punjab and Sind bank in the year 1993. In your written statement you have not mentioned that your father mortgaged item 2 of the suit schedule property in Punjab and Sind bank in the year 1993. do you remember?

A: I do not remember.

Q19: Is it correct that since your father was the owner of item 2 of the schedule property and mortgaged the property?

A: Yes.

Q20: Your father mortgaged the property and stood guarantor for Carica Food Pvt. Ltd. Is it correct?

A: Yes.

Q21: What is the address of item 1 of the suit schedule property?

A: No.6, 15th cross street, Shastri Nagar, Adyar.

Q22: Have you sold the property or are you encumbered the property?

A: No.

Q23: Who is in possession of the item 1 of the schedule property?

A: I am in possession.

Q24: Have you rented it out?

A: No.

Q25: Have you sold the item 2 of the schedule property at Padappai?

A: Yes, in 2006.

Q26: Who was managing the company Carica Foods Pvt. Ltd?

A: I was the managing Director.

Q27: What is your father name?

A: A.R. Cycil.

Q28: When did your father passed away?

A: On 05.01.1995.

Q29: Who were the surviving legal heirs when your father passed away?

A: Myself, my mother and one sister.

Q30: Have you mentioned the name?

A: My mother namely Mabel Cycil, sister Ramola Joseph.

Q31: Your sister Ramola Joseph is the plaintiff in CS 376/2017?

A: Yes.

Q32: At the time of your father's death, there were 3 legal heirs?

A: Yes.

Q33: You have said your proof affidavit that you have conveyed Padappai property by way of 3 Sale Deeds?

A: Yes.

Q34: (Certified copy of the Sale Deed dated 11.09.2006 Document no.5468/2006 before the Sub-Registrar, Padappai is shown to the witness) Is this the Sale Deed conveyed by you in 2006?

A: I cannot read Tamil. My mother arranged everything, I signed in this document has asked by my mother. I admit the execution of the document but I did not know the contents of the document.

Ex.D1 is the Certified copy of the Sale Deed dated 11.09.2006 Document No.5468/2006 before the Sub-Registrar, Padappai.

Q35: You said that you was the managing director of the Carica Foods Pvt. Ltd. Is it correct that as the Managing director you conveying the property without knowing the contents of the document, Ex.D1?

A: The document is in Tamil, my mother read it and I signed the document.

Q36: Who signed as a vendor in the Sale Deed?

A: I signed on behalf of my mother and myself.

Q37: Did your mother give you power of attorney?

A: Yes.

Q38: So you conveyed item 2 of the schedule property, you have executed for yourself and on behalf of your mother but you say that you signed the document without knowing the contents.

A: Yes.

Q39: You said that in your written statement, your mother gave power of attorney by way of abundant caution?

A: I do not remember the word 'abundant caution'.

Q40: You also said that in your written statement, if really the plaintiff had share in the properties of A.R. Cycil, the mother would never have given the 1st defendant power of attorney to sell the property at Padappai.

A: I do not remember.

Q41: You also said that in your written statement, item 2 of the schedule property was sold by Mrs. Mabel Cycil and yourself in the year 2006. What do you say?

A: Jointly it was sold.

Q42: Similarly you also said that in your written statement, the 1st defendant together

with his mother had marketable title to the said property and hence sold it. In contrary you said that your mother gave power of attorney by way of abundant caution. I put it to you that your written statement on the evidence is contradictory.

A: Not contradictory.

Time : 12.30 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