

BEFORE THE ADDITIONAL MASTER-III
HIGH COURT, MADRAS.

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

Date: 09.07.2024
Time: 10.50 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:

Q43: You have applied Legal Heir Certificate for your father late A.R.Cycil in the year of 1995.

A: No, my mother applied.

Q44: In the written statement filed by you in CS.No.376/2017 you said you have signed the application form for the legal heir certificate.

A: The form was given to me by my mother and I have signed it.

Q45: You said your relative helped to apply and get the legal heir certificate of your father. What is his name?

A: I do not remember.

Q46: Did you read the application form before signing it?

A: My mother asked me to sign it and I signed it.

Q47: You agree that legal heir certificate is an important document?

A: I am not aware of the legal side of it.

Q48: You know that legal heirs mentioned in the legal heir certificate gives right to the estate of the deceased father A.R.Cycil?

A: I am not aware.

Q49: Is there any mistake in the legal heir certificate you obtained in 1995?

A: There must have been a mistake and she said she is applying again.

Q50: What is the mistake in the legal heir certificate you obtained in 1995?

A: I am not aware of it.

Q51: You signed the application for legal heir certificate?

A: Only the first time I signed it. Second time my mother alone applied.

Q52: Is Legal heir certificate given to you on application or Tahsildar made an enquiry?

A: I am not aware. Only my mother did everything.

Q53: Which authority issued the legal heir certificate?

A: My mother said that one Deputy Tahsildar has issued the legal heir certificate.

Q54: Why your mother has applied legal heir certificate for the second time?

A: She said there is some mistake in the legal heir certificate and then she applied second time. I do not know the mistake.

Q55: You have stated in your written statement that I came across the legal heir certificate dated 01.06.1995 and going through it and found only two names. What are the two names?

A: I do not remember.

Q56: What are the two names that the legal heir certificate in the year of 1995 had?

A: I do not remember.

Q57: You have stated in your written statement on 04.07.1997 the legal heir certificate was issued and it included the name of the plaintiff along with the mother and D1's name. Is it correct?

A: I cannot read it. Somebody read it and I signed it.

Q58: This statement means the legal heir certificate in the year 1995 your sister's name Ramola Joseph was not there. Is it correct?

A: I do not remember. I was not there when the verification was done. My mother furnished the particulars.

Q59: Do you admit that there is two legal heir certificates one in the year of 1995 and the another in the year of 1997?

A: Yes.

Q60: Can you say what is the corrected names of the legal heir certificate?

A: I cannot read what is there.

Q61: The corrected legal heir certificate of your father late A.R.Cycil mentions three names.

A: Yes.

Q62: The names mentioned are your mother Mabel Cycil, Son Vasantha Kumar Cycil and daughter Ramola Joseph. Is it correct?

A: Yes.

Q63: The mistaken legal heir certificate issued of the year 1995 of my father late A.R.Cycil omitted to mention my sister's name Ramola Joseph. Is it correct?

A: Yes, That was corrected in the year of 1997.

Q64: The corrected legal heir certificate in the year of 1997 was marked as Ex.P8. Is it

correct?

A: Yes.

Q65: On 11.09.2006 when you executed the Sale Deed marked as Ex.D1 on the same day i.e., 11.09.2006 you executed and registered one more Sale Deed with respect to Item.2 of the Schedule mentioned property. Is it correct?

A: I do not remember. Yes, I executed the Sale Deed and signed it.

Ex.D2 – The certified copy of the Sale Deed dated 11.09.2006 in Doc.No.5469/2006.

Q66: On the same day on 11.09.2006 you had executed and registered an other Sale Deed registered in Doc.No.5481/2006 with respect to Item.2 of the suit property. Is this the Sale Deed executed by you for yourself and power agent of your mother?

A: Yes, wherever my mother said I have signed.

Ex.D3 – The certified copy of the Sale Deed dated 11.09.2006 in Doc.No.5481/2006.

Q67: When you executed Ex.D1, D2 and D3 was your mother there in the Registrar Office, Padappai?

A: No, she was not keeping in good health. So, she gave the power of attorney to me.

Q68: That power of attorney given by your mother was registered in the Sub-Registrar Office, Adyar?

A: Yes.

Q69: This power of attorney gives you powers to deal with the Item.2 in the suit schedule property?

A: Yes.

Q70: Is this the certified copy of power of attorney executed by your mother dated 25.10.2005?

A: Yes.

Ex.D4 – The certified copy of the Power of Attorney dated 25.10.2005 in

Doc.No.1777/2005.

Q71: Did you challenged your Sale Deeds marked as Ex.D1,D2 and D3?

A: No. Only in this court it is come up.

Q72: So, you have not contested the Sale Deeds marked as Ex.D1,D2 and D3?

A: No, I have not contested and challenged anywhere.

Q73: Therefore, you acted upon the Sale Deeds marked as Ex.D1,D2 and D3.

A: We accepted and acted upon it.

Q74: In Ex.D1 you conveyed 30 cents in Item.2 of suit schedule property. Is it correct?

A: I do not remember anything.

Q75: The sale consideration under Ex.D1 for the extent of 30 cents is Rs.90,000. Is it correct?

A: Yes.

Q76: Whether for Item.2 of suit property you had a patta?

A: I do not remember.

Q77: In pg.5 of Ex.D1 it is stated that your father passed away in 05.01.1995. After his death the property devolved on his wife Mabel Cycil and the only son Vasantha Kumar Cycil. Is it correct?

A: I am not aware of it. My mother prepared it through a document writer and she said go and sign the deed.

Q78: Is it correct to state that Ex.D1 is dated in 2006?

A: Yes.

Q79: The legal heir certificate dated 04.07.1997 marked as Ex.P8 shows the legal heirs Mrs.Mabel Cycil, Vasantha Kumar Cycil and Ramola Joseph. Why the Sale Deed in the

year of 2006 shows only two names as legal heirs.

A: I do not know. The Will of my father also given to the document writer.

Q80: When Ex.P8 says three names as legal heirs each took 1/3rd share of your father's estate. Is it correct?

A: No, as per the Will of my father two persons having share. I was not aware what was written in the Sale Deed in Tamil.

Q81: Ex.D1 says on the death of your father you and your mother acquired the property. Is it correct?

A: I did not read it. My mother said to sign it.

Time : 11.50 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-III