

BEFORE THE ADDITIONAL MASTER-III
HIGH COURT, MADRAS.

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

Date: 16.07.2024
Time: 10.55 A.M.

Name : Mr. Vasanth K. Cycil (PW1)

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

Solemnly Affirmed:

Q82: Did your company Carica Foods was in occupation?

A: Yes, my father leased the property.

Q83: Why Ramola Joseph was not joined in the Sale Deeds Ex.D1,D2 and D3?

A: As I told you earlier because it was in Tamil my mother told me to sign it and then I signed in this document.

Q84: You say your mother told you to sign because it was in Tamil. Did you stated that in your written statement that you do not know Tamil?

A: I do not think it was there.

Q85: Since your sister Ramola Joseph did not joined in the Sale Deeds Ex.D1,D2 and D3, her share of 1/3rd is not conveyed.

A: But there is a WILL which was opened and it clearly states that other than the house in Chennai all the other properties comes to me. My mother did not add my sister Ramola Joseph.

Q86: Did you say about the WILL in the Sale Deeds Ex.D1,D2 and D3?

A: Because, my mother had read the tamil version of the Sale Deed, if it is fine you sign it. So, I was not aware of the content in the Sale Deeds Ex.D1,D2 and D3.

Q87: You sold the property without knowing how you and your mother got the property. Am I correct?

A: My mother alone knew about the properties transferred to my name.

Q88: When you sold the property in the Sale Deeds Ex.D1,D2 and D3 in 2006 you had two legal heir certificates. Which legal heir certificate given to the buyer?

A: All the documents were with the document writer. I was standing before him and only signed in the document.

Q89: Under Ex.D1 you have sold 30 cents under Item.2 of the suit property for Rs.90,000/-. Is it correct?

A: The combined amount of Rs.2,50,000/- was given for the sale in respect of the Sale Deeds Ex.D1,D2 and D3.

Q90: But, the value of the property you sold in the Sale Deeds Ex.D1,D2 and D3 as per government value is Rs.24,85,610/- as per the endorsement made in the Sale Deeds Ex.D1,D2 and D3. Is it correct?

A: It is not correct. We followed the guideline and gave the amount.

Q91: You have sold the property under in the Sale Deeds Ex.D1,D2 and D3 for the mere throw away price of 10% of the guideline value of Rs.24,85,610/-. Is it correct?

A: Guideline value at 2006 was not Rs.24,85,610/- .

Q92: But, the deficit stamp duty for Rs.24,85,610/- was paid by the purchasers under the Sale Deeds Ex.D1,D2 and D3. Is it correct?

A: I am not aware of that.

Q93: You have sold the property under the Sale Deeds Ex.D1,D2 and D3 for 10% of the guideline value joining with the buyers. Is it correct?

A: I was not aware of it. They have never mentioned it to me that is all they gave.

Q94: Buyers without verifying the clear title of you and your mother joined with you to purchase the properties at a throw away price. Is it correct?

A: No one was ready to buy the said property because it was next to cremation ground. So, we took that price.

Q95: But, your Sale Deeds Ex.D1,D2 and D3 do not say that there is a cremation ground as one of the boundaries in the schedule. Is it correct?

A: The schedule of the document says that there is a private road which is 15 feet.

Q96: How do know that the schedule says about the 15 feet private road in Tamil. Because you did not know the Tamil language?

A: FMB sketch says. I presumed it will be in the sale deeds.

Q97: Only in assumption presumption you have signed in the Sale Deeds?

A: No, because my mother told me to sign and I signed it.

Q98: Under Sale Deeds Ex.D1,D2 and D3 you sold only the 2/3rd share of the property. Is it correct?

A: The complete 85 cents were sold.

Q99: You have said that you sold the property to off set the loss in your company. Is it correct?

A: No.

Q100: You have said in your written statement that you sold Item.2 of the schedule property to off set the heavy losses in your company. Is it correct?

A: We did have losses. But, we have cleared the losses. So, the sale amount does not correlated to the loan. Already we settled the bank dues.

Q101: You also said that Item.2 of the suit property was sold to save you from the financial disaster. What do you mean by that?

A: Yes, I signed the written statement but, I really do not know how it was incorporated.

Q102: Second legal heir certificate in the year 1997 was obtained by the representation of your sister Ramola Joseph. Is it correct?

A: No.

Q103: Only on Ramola Joseph representation her name was incorporated in the second legal heir certificate in the year 1997. Is it correct?

A: No.

Q104: I put it to you that for your convenience you say you do not know the contents of the document and you signed wherever your mother asked you to sign it.

A: I deny.

Q105: I put it to you that it is you who managed the estate of your deceased father and you only dealt with them.

A: I totally deny.

Q106: I put it to you that your mother gave you the power of attorney to deal with Item.2 of the suit property and it is only you who dealt with the property.

A: I deny.

Q107: I put it to you that Ramola Joseph has 1/3rd share in the suit schedule properties.

A: I deny.

Q108: The Death certificate of your mother (Ex.P9) shows your mother died at your sister's residence. Is it correct?

A: No. She died in the Sri Ramachandra Medical College hospital.

Q109: In Ex.P9 address of the deceased at the time of death shows your sister Ramola Joseph's address. Is it correct?

A: No. It is a wrong address.

Q110: Have you taken any steps to correct the wrong address mentioned in Ex.P9?

A: No.

Q111: Since you have not corrected the address is it not true that at the time of death your mother Mabel Cencil died at your sister Ramola Joseph's address?

A: We had made to Sri Ramachandra Medical College hospital. Since she has influence in the Sri Ramachandra Medical College hospital even we showed all the identity cards, but they did not correct it.

Q112: In Ex.P9 the permanent address of your mother was also shown as your sister Ramola Joseph's address?

A: No, there was no proof or identity filed for that.

Q113: You said you went to the Corporation to correct the address in Ex.P9. Did you make an application?

A: No, they refused to take our application.

Q114: But, you have not stated that in your written statement whatever the answers you have made above.

A: We are making efforts to get it corrected.

Q115: It is only Ramola Joseph who took care of your mother and she lived with your sister. Is it correct?

A: No, it is a lie.

Q116: You deliberately denied your sister Ramola Joseph's right over the Item.2 of the suit schedule property. Is it correct?

A: No.

Q117: When you conveyed Item.2 of the suit schedule property you declared in Ex.D1,D2 and D3 that you got the same on the death of your father. On the other hand, with respect to Item.1 of the suit schedule property you say you got the property under a WILL of your father late Cycil. Is it correct?

A: Yes.

Q118: I put it to you that you take a two different stand with respect of Item.2 of the suit schedule property and Item.1 of the suit schedule property.

A: I deny.

Q119: I put it to you that the relief sought under CS.No.376/2017 should be allowed.

A: I deny.

Time : 12.01 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