

BEFORE THE ADDITIONAL MASTER-II

HIGH COURT, MADRAS

C.S.No. 292 OF 2021

Date : 04.08.2025

Time : 02.45 P.M.

Name : D.A.Bhaskar (PW1)

PW1 Cross continuation Examined by Learned counsel for the 1st Defendant Mrs.Srividhya Aravindan for M/s.M. Aravindan.

Solemnly affirmed:

Q28: You have filed this suit, have you gone through the contents of the plaint before filing this proof affidavit?

A: Yes.

Q29: Have you gone through the contents of the written statement filed by the 1st defendant?

A: Yes, I know a little bit.

Q30: Do you know that in the written statement of D1 it is mentioned about the previous case particulars in OS.No.7822 of 2012 and about CS.No.641 of 2002?

A: Yes.

Q31: Do you know that in the written statement of D1 it is mentioned about the Release Deed executed by Mrs.Bharathi and Mrs.Mahalakshmi in the year 1976?

A: Yes, I know that. Witness adds: There are four items mentioned in this suit schedule. The above said Release Deed executed is in respect of Item 1 of the suit schedule properties.

Q32: Is it correct that you and your mother Mrs.Mahalakshmi ever challenged the Release Deed executed by them till this date in any Court?

A: Yes. Witness adds: My aunt Mrs.Bharathi challenged the Release Deed and filed this

suit. Myself and my mother were arrayed as parties of this suit.

Q33: Can you give the details of the case filed by Mrs.Bharathi now?

A: I have not given the case details in this case.

Q34: Is it correct to state that the 1st defendant has filed a written statement in OS.No.7822 of 2012 and mentioned the very same details about CS.No.641 of 2002 stated in the written statement filed by the 1st defendant, Mr.Srinivasa Naidu in this case?

A: Yes.

Q35: Can you deny the fact that the suit in OS.No.7822 of 2012 was dismissed for non-appearance of the parties ?

A: I do not know.

Q36: Is it correct to state that you and your aunt Mrs.Bharathi have lodged police complaint dated 04.10.2012 and the same was tried in CC.No.3701 of 2014?

A: Yes.

Q37: Is it correct to state that you are examined as PW2 in CC.No.3701 of 2014?

A: Yes.

Q38: Is it correct to state that your aunt Mrs.Bharathi was examined as PW1, in CC.No.3701 of 2014?

A: Yes.

Q39: (Certified copy of the order in CC.No.3701 of 2014 is shown to the witness). Do you know that your case is dismissed as per the judgment in CC.No.3701 of 2014?

A: I do not know.

Q40: Is it correct that the complaint in CC.No.3701 of 2014 is with regard to the

property mentioned in Item 1 of the suit schedule property?

A: Yes.

Q41: Whether you were present when Mrs.Bharathi was examined as a witness in CC.No.3701 of 2014 and she had deposed the evidence during cross examination admitting the fact that she had broken open the lock of the Item 1 of the suit schedule property and let it for lease to one Mr.R.Moorthy?

A: Yes, I was present at that time. But, I do not know that she had deposed that she had broken open the lock of the Item 1 of the suit schedule property and let it for lease to one Mr.R.Moorthy.

Q42: Have you issued any lawyer's notice just prior to filing of this suit?

A: Yes.

Q43: You have mentioned in your proof affidavit that you have issued lawyer's notice during 2015. Have you sent any other lawyer's notice apart from the notice during 2015?

A: No.

Q44: Have you filed any copy of your lawyer's notice during 2015 before this Court?

A: Yes.

Q45: I put it to you that your evidence is not valid in the eye of law since you have suppressed many facts, and deposed contradictory evidence related to your documents and facts of the case before this Hon'ble Court.

A: I deny.

Q46: I put it to you that the suit is not maintainable in respect of the Item 1 of the suit schedule property since Release Deed has been executed by Mrs.Bharathi and Mrs.Mahalakshmi in the year 1976.

A: I deny.

Q47: I put it to you that Item 2 of the suit schedule property is a rental property and that is the reason why there is no averment with regard to this Sale Deed of this property, in whose name the property has been purchased, what is the sale amount and who has paid the sale amount, the details of the vendor of this property etc., has not been mentioned in the plaint averments including the proof affidavit.

A: I deny.

Q48: Is it correct to state that none of the plaintiffs had challenged the Judgment passed in CS.No.641 of 2002 by way of an appeal or by way of other suit.

A: I do not know.

Q49: I put it to you that this suit is not maintainable since you have not challenged the Judgment of the above mentioned cases by way of fresh suits or appeals and you have also not challenged the above said Release Deed and therefore, there is no cause of action for filing this suit and hence this suit is liable to be dismissed.

A: I deny.

Time : 03.25 P.M.

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

ADDITIONAL MASTER-II

ADDITIONAL MASTER-III (I/c)