

BEFORE THE ADDITIONAL MASTER III,
HIGH COURT, MADRAS

TOS.No. 29 OF 2005

Date :09.08.2024

Time :11.40 a.m

Name : Mr. L.Varadharajan (PW2)

Cross Examination by Dr.Padma Learned Counsel for the Defendant.

Solemnly affirmed:

Q1: What is the relationship between you and the testator?

A: My mother-in-law's father.

Q2: What is your age at the time of your marriage?

A: I am 21 years at the time of my marriage.

Q3: Did the testator was present at the time of your marriage?

A: Yes.

Q4: What is the date of your marriage?

A: 24.02.1985.

Q5: (Proof affidavit is shown to the witness). In para.2 of your proof affidavit it is stated that 'the signature and the left thumb impression at the foot of each papers of testamentary paper'. You see Ex.P1 WILL and say whether the testator put his signature and left thumb impression at the foot of each papers of testamentary paper ?

A: The witness peruse Ex.P1 and says on the foot of the each page the signature of the testator is there and there is no left thumb impression on the foot of each page.

Q6: When did you went to Sub-Registrar Office?

A: 12.12.1990.

Q7: What did you do in the Sub-Registrar Office?

A: Jaganathan and his wife Dhanammal asked me to sign in the WILL. Before they signed in the WILL they asked me to read out the WILL and the WILL was read out by one person who is present near at that time and after reading the WILL they signed in the WILL. Then they asked me to sign in the WILL and I signed it.

Q8: Have you read the WILL directly?

A: It was read out by one person who is present near at that time and I heard the content of the WILL.

Q9: Where was the testator residing?

A: The testator was residing in his own house.

Q10: What was the address of the testator?

A: No.8, Grace Garden, 3rd line, Royapuram.

Q11: Do you have own house?

A: Yes.

Q12: (Ex.P1 is shown to the witness). Please see the WILL and tell the address of the testator?

A: No.23, Shanmugaraya Pillai Street, Purasaiwalkam.

Q13: Where is the Sub-Registrar office?

A: It is at Purasaiwalkam. We went to Purasaiwalkam Sub-Registrar office.

Q14: (Ex.P1 is shown to the witness). Do you know where and who signed in the WILL?

A: The testator had signed in the WILL at Sub-Registrar office, Purasaiwalkam.

Q15: When you went to Sub-Registrar office at Purasaiwalkam who were all present?

A: Jaganathan, Dhanammal and one person also present along with them.

Q16: When and why did they called you?

A: They called me to come to Doveton Cafe on 10th .That day is Monday.

Q17: Who called you?

A: Jaganathan.

Q18: Where did he called you on 10th?

A: I went to his house at Royapuram on 10th and he asked me to come to Doveton Cafe on 12th.

Q19: For what reason he called you on 10th?

A: He asked me to come to Doveton Cafe.

Q20: Did he say the reason?

A: No.

Q21: What happened in Doveton Cafe?

A: They brought me to Sub-Registrar office.

Q22: (Proof affidavit and Ex.P1 are shown to the witness). In para.3 of your proof affidavit it is stated that 'the subscribe our respective names and signature at the foot of the testamentary paper'. You see Ex.P1 WILL and say whether your name and the signature at the foot of the testamentary paper as a witness is there or not?

A: My signature is there and my name is not there.

Q23: I put it to you that you falsely stated 'the subscribe our respective names at the foot of the testamentary paper'.

A: I do not know.

Q24: (Proof affidavit and Ex.P1 are shown to the witness). In para.4 of your proof affidavit it is stated that 'signature and left thumb impression subscribe at the foot of the testamentary paper as of the party executing the same in the proper impression of the said deceased and names left thumb impression and signature also subscribed and written at the foot of the testamentary papers'. Whether the parties put their names, thumb impression and signature at the foot of the testamentary paper?

A: There is no thumb impression of Jaganathan Naicker and Dhanammal on the foot of the testamentary paper. But their names and signatures are there.

Q25: I put it to you that Jaganathan Naicker and Dhanammal did not come to Sub-Registrar office and signed in the WILL as stated by you. But, you have arranged somebody to sign as Jaganathan Naicker and Dhanammal and for that reason there is no thumb impression of Jaganathan Naicker and Dhanammal on the foot of the testamentary paper.

A: I deny. Witness adds: If it so what is the benefit for me.

Q26: Have you seen the Jaganathan Naicker's signature?

A: Yes. Witness adds: I saw the signature of Jaganathan Naicker at the time of affixing his signature in the WILL in Sub-Registrar office.

Q27: Have you seen the Jaganathan Naicker's signature before that?

A: No. I have seen the Jaganathan Naicker's signature for the first time at the time of

execution of the WILL.

Q28: Do you know what is the educational qualification of Jaganathan Naicker?

A: No.

Q29: Do you know that Jaganathan Naicker is rich?

A: Yes.

Q30: Does Jaganathan Naicker is rich he had many properties?

A: No, I only know about the properties at Thiruvotriyur and in Grace Garden.

Q31: (Ex.P1 is shown to the witness). Whether the signature of Jaganathan Naicker appears wrinkle?

A: He signed in the WILL. But, I do not know whether it appears wrinkled and he may sign in Tamil or in English.

Q32: Do you know the contents of the WILL?

A: Yes.

Q33: (Ex.P1 is shown to the witness). What is written in the last para, last page of the WILL?

A: He read the last portion of the WILL. But, I do not know the letters after the word 'particular' (Kuripitta), 'persons' (5 perum).

Q34: I put it to you that all the persons told that Jaganathan Naicker was bedridden and he never came to the Sub-Registrar office you yourself falsely created this WILL with the help of two other persons.

A: This is not my property what interest I have to create this WILL. It is true that Jaganathan Naicker and Dhanammal came to Sub-Registrar office and signed in the WILL.

Q35: I put it to you that you enjoyed your mother-in-law's share, for that purpose you came and give false evidence on behalf of plaintiff.

A: I deny.

Q36: (Ex.P1 is shown to the witness). In the back side of the WILL Jaganathan Naicker address was endorsed as 8, Grace Garden, 3rd lane, Chennai-13. But, in the front page of the WILL why Purasaiwalkam address is inserted. What is the reason?

A: I do not remember.

Q37: (Ex.P1 is shown to the witness). The Purasaiwalkam address is written in handwritten in the front page of the WILL. Is it correct?

A: Yes.

Q38: There is nobody sign in the place where the Purasaiwalkam address is added in the WILL. Is it correct?

A: Yes.

Q39: (Ex.P1 is shown to the witness). In 1st page, 2nd para of the WILL it is stated that 'one tiled house belongs to them ancestrally and devolves to the brothers of Duraisamy Naicker and Gopal Naicker and all the three of them jointly sold out the property to one Kanniammal to settle to the family debt' and further stated that Kanniammal executed a settlement in favour of Jaganathan Naicker and Dhanammal dated 14.05.1949. Do you know about the Settlement Deed?

A: I do not know.

Q40: I put it to you that the above said settlement property dated 14.05.1949 which was executed by Kanniammal in favour of deceased Jaganathan Naicker and Dhanammal is the property now situated at No.8, 3rd lane, Grace Garden.

A: I do not know.

Q41: I put it to you that for monetary benefit you extended your help to create the WILL

in the name of plaintiff along with them.

A: I deny.

Q42: I put it to you that you have help to create a forged WILL in the Sub-Registrar office with the help of some other two persons instead of Jaganathan Naicker and Dhanammal and with the help of plaintiff you have created a document in the year 1990 when there was no ID proof and photos.

A: I deny.

Q43: Did you told to anybody about the WILL?

A: No.

Q44: Do you know the reason why the registration of the WILL was happened?

A: He called me and I went to Sub-Registrar office.

Q45: Were any body present at the time of registration of the WILL?

A: One another person was present along with Jaganathan Naicker and Dhanammal and he was also signed in the WILL.

Q46: Is it correct to state that you went from Vannarapettai to Purasaiwalkam Sub-Registrar office without knowing the reason?

A: Yes.

Q47: Did any of them came from Vannarapettai?

A: No.

Q48: What did you do after witnessing the incident?

A: I returned back after signing as a witness in the WILL.

Q49: Whether you taken back the old people from the Sub-Registrar office to their house?

A: No.

Q50: Do you know the person who accompanied with Jaganathan Naicker and Dhanammal?

A: No.

Q51: I put it to you that you created this WILL falsely along with the person who signed as a witness not known to you and the person executed the WILL are not the real testators and with the help of some other two persons.

A: I deny. Witness adds: Both of them came.

Time:01.30 p.m

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

ADDITIONAL MASTER-III