

BEFORE THE ADDITIONAL MASTER IV,
HIGH COURT, MADRAS

A. Nos. 2541 of 2024 and A. No.6885 of 2023
in
A. NO.3565 of 2023
in
C.S.No. 679 OF 2001

Date: 18.12.2024
Time : 11.44 A.M.

Name : Mrs. R. Nirmala Devi (PW1)

Cross Examination by Mr. M. Kamalanathan, Learned Counsel for the 3rd
defendant.

Solemnly affirmed:

Q1: Are you living in Chidambaram?

A: Yes.

Q2: Was your mother living at Chennai?

A: Yes.

Q3: At the time, when the suit was filed, who were all the advocates for
you, your younger sister, your mother and your younger brother?

A: The same advocate by name Mr. Dharmakan.

Q4: Is it correct to state that Mr. Vijay s/o Dharmakan was appearing for
your mother?

A: Yes.

Q5: Who used to instruct the counsel before or after the suit?

A: My mother.

Q6: I put it to you that your mother was instructing Mr. Dharmakan till
her death.

A: Yes.

Q7: You have not engaged Mr. Dharmakan in this proceedings, is it correct?

A: Only upto the decree of the suit, we engaged him.

Q8: I put it to you that your mother would have discussed about the settlement deed with Mr. Dharmakan.

A: I do not know.

Q9: During the pendency of the suit your mother discussed with you about the settlement deed, Ex.P1, is it correct?

A: No.

Q10: Who are all informed about the settlement deed?

A: My mother told that she had informed all of us.

Q11: On what date you came to know about the settlement deed after the decree?

A: I do not know.

Q12: Your mother had not informed to any of you that she was going to execute a settlement deed either before or after the execution of the settlement deed, is it correct?

A: I do not know.

Q13: Do you have any evidence to show that your mother has informed about the execution of the settlement deed?

A: No.

Q14: Have you seen the affidavit filed by Mr. Mahendran through his Power Agent Prathaban in A.No.2541/2024?

A: No. I have not seen.

Q15: Is it correct to state that you have not filed any counter in A.No.2541/2024?

A: I do not know.

Q16: In para 6 of A.No.2541/2024 Mr. Prathaban has stated that Mr. Mahendran has no knowledge about the settlement deed in Ex.P1, is it correct?

A: I do not know.

Q17: I put it to you that a statment you have made that your mother informed all of you about the settlement deed is false.

A: I deny.

Q18: Whether your mother knew to what extent of share each party will get?

A: No. She does not know.

Q19: The settlement deed has not been executed for the fixed amount of share, is it correct?

A: We do not know about this.

Q20: Therefore, it is not a settlement at all.

A: I deny

Q21: At the time of executing the settlement deed neither one of you namely the plaintiffs given written consent, is it correct?

A: No.

Q22: Therefore, I put it to you that the settlement deed in Ex.P1 cannot be acted upon.

A: I deny.

Q23: In A.No.3565/2023 you have sought for your share at No.1/6th share from vacant land of the item No.3 and 1/12th share from the land and building from the item No.2 of the suit schedule proeprty and to handover 1/6th share from Rs.1,84,306/-, is it correct?

A: Yes.

Q24: I put it to you that you have not withdrawn the said application and it is pending.

A: Yes.

Q25: In A.No.6885/2023 you have sought for the relief of handing over my 2/9th share of the ground and premises from Item No.1 and 2/9th share from cavant land of the item No.3 and 1/9th share from the land and building from the item No.2 of the suit schedule proeprty, is it correct?

A: Yes.

Q26: The application filed by Mr. Mahendran in A.No.2541/2024 and he is sought for the relief of entitled to 2/3rd share in plaint, item No.1 and 2 properties and 5/6th share in plaint item 2 property and 3/5th share in item No.4 property, is it correct?

A: Yes.

Q27: I put it to you that there is no consistency between you and the 1st plaintiff with respect to the share to be allotted.

A: I deny.

Q28: Who are all the witnesses in the settlement deed, Ex.P1?

A: I do not know.

Q29: With whom the original settlement deed Ex.P1 is available?

A: I do not know.

Q30: Are you going to examine any other witnesses on your side?

A: I do not know.

Q31: I put it to you that you cannot rely upon the settlement deed Ex.P1.

A: I deny.

Q32: I put it to you that you come forward with the false case.

A: I deny.

Time: 12.20 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-IV