

BEFORE THE MASTER,
HIGH COURT, MADRAS.

A Nos.2985 & 2986 OF 2025

IN

E.P.No.24 OF 2025

DATE : 06.10.2025

TIME : 03.30 P.M.

Evidence of Mr.K.Shivakumar, P.W.1, aged 54 years, S/o.Late Mr.S.Karthikeyan, residing at No.33, Old No.16/5, 1st Floor, Akbarabad 1st Street, Kodambakkam, Chennai 600 024.

In Continuation of Proof Affidavit, Chief Examination by
Mr.V.S.Ravichandran, (Enrl No.1771/2004) Counsel for the Petitioner.

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SOLEMNLY AFFIRMED :

I am the first Applicant/Judgment Debtor herein. I am filing my examination in Chief in the form of the Proof Affidavit. In continuation of the same, I am now deposing and marking the following documents:

Ex.A1 is the served copy of the Judge's summons and affidavit filed in A.No.5709 of 2011 in C.S.No.925 of 2010.

Ex.A2 is the served copy of the affidavit of Mrs.Seetha Rajakumari filed in M.P.No.1 of 2013 in OSA No.23 of 2012.

Ex.A3 is the served copy of the affidavit of Mrs.Seetha Rajakumari filed in M.P.No.2 of 2013 in OSA No.23 of 2012.

Ex.A4 is the downloaded copy of the order dated 21.03.2013 in M.P.No.2 of 2013 in OSA No.23 of 2012 passed by this Hon'ble High Court.

Ex.A5 is the certified copy of the order dated 19.07.2013 in A.No.5709 of 2011 in CS. No.925 of 2010 passed by this Hon'ble High Court.

Ex.A6 is the certified copy of the Judgment dated 20.11.2013 in OSA.No.23 of 2012 passed by this Hon'ble High Court.

Ex.A7 is the certified copy of the order dated 05.12.2014 in A.No.2171 of 2011 in C.S.No.925 of 2010 passed by this Hon'ble High Court.

Ex.A8 is the affidavit under Sec.63 (4) of BSA for Ex.A4.

I therefore, pray this Hon'ble Court that the application may be ordered as prayed for.

Cross Examination by Mr.N.Srinivasulu, (Enrl.No.M.S.No.1255/2000), Counsel for respondent/decreed holder

Q:Did you read the decree passed in CS.No.925 of 2010?

A: Yes.

Q:What are the material facts suppressed by the Decree holder to obtain the Decree dated 30.10.2024?

A:I have stated in my Proof Affidavit.

Q:Even after passing the Decree in CS.No.925 of 2010 dated 30.10.2024 by cancelling the Sale Deed dated 19.03.2010, on what basis, you are claiming to be the owner of the property?

A:Decree and Judgment in CS.No.925 of 2010 dated 30.10.2024 it is not finality. We filed OSA No.74 & 75 of 2025, it has been pending before the Divisional Bench and posted for adjudication and the applications are filed before this court for nullity of decree and the aforesaid OSA No.74 & 75 of 2025 are also listed today.

Q:I put it to you that as on date, You and the Judgment Debtor-2 are not the owners of the property mentioned in the E.P and the decree holders are the absolute owners of the property?

A: I deny.

Q:I put it to you that OSA No.75 of 2025 filed against the decree passed in CS.No.925 of 2010 filed before the Hon'ble Bench by you and the Judgment Debtor-2 wherein no interim stay is granted in your favour?

A: No stay is granted. (Witness adds: OSA Nos.74 & 75 of 2025 listed several times and not reached and stay application is pending in OSA No.75 of 2025.

Q:I put it to you that the Execution Petition filed by the Decree Holders is in order and there is no legal infirmity in filing of this petition?

A: I deny.

Q:Do you agree that you have paid an amount of Rs.3,02,620/- as ordered by the Hon'ble Bench in OSA No.75 of 2025?

A:Yes. (Witness adds:The Hon'ble Court ordered cost amount based on the order passed by Divisional Bench of this Hon'ble Court).

Q: I put it to you that either you or Judgment Debtor-2 did not file any appeal against the order in Ex.A4?

A:Yes. (Witness adds:My earlier counsels Late.M.V.Venkataseshan did not inform me about this order. At that time I was not aware).

Q:I put it to you that therefore the order passed in Ex.A4 is final?

A:I deny.

Q:I put it to you that either you or Judgment Debtor-2 did not file any appeal against the order in Ex.A5?

A:Yes. (Witness adds:My earlier counsels Late.M.V.Venkataseshan did not inform me about this order. At that time I was not aware).

Q:I put it to you that either you or Judgment Debtor-2 did not file any appeal against the order in Ex.A6?

A:Yes. (Witness adds:My earlier counsels Late.M.V.Venkateseshan did not inform me about this order. At that time I was not aware).

Q:I put it to you that either you or Judgment Debtor-2 did not file any appeal against the order in Ex.A7?

A:Yes. (Witness adds:My earlier counsels Late.M.V.Venkateseshan did not inform me about this order. At that time I was not aware).

Q:I put it to you that the documents you have filed as Ex.A1 to Ex.A7 has already been dealt in CS No.925 of 2010 by this Hon'ble Court?

A:Yes.

Q:I put it to you that there is no merits in the proof affidavit filed by you?

A: I deny.

Q:I put it to you that A.No.2985 of 2025 and A.No.2986 of 2025 are filed by you only to protract the execution proceedings and nothing survives in the said applications?

A: I deny.

Q:I put it to you that the applications filed by you are liable to be dismissed with exemplary cost as the Decree Holders are put into hardship?

A:I deny.

I, therefore, pray that this Hon'ble Court may be pleased to order this application as prayed for.

TIME : 04:00 P.M.

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

SR

MASTER