

IN THE COURT OF ADHOC - (II)
CITY CIVIL COURT, CHENNAI -104

Pw1: Ravichandhiran OS. NO:5214/2015 DATE:12.09.2024

குறுக்கு விசாரணை 3 ஆம் பிரதிவாதி தரப்பில்

Question: You have already filed Proof affidavit for your evidence and under went cross examination?

Ans: yes

Question: What for the Additional Proof affidavit has been filed by you?

Ans: Some of the documents were left out, so that I have filed Additional Proof affidavit along with documents

Question: I put it to you that you have not pleaded new points in the Additional proof affidavit?

Ans: No.

Question: You are not a party in the Mortgage made by the original land owners to 1st defendant?

Ans: I am not a party to Mortgage made by the original land owners to the 1st defendant.

Question: similarly in the proceedings initiated by the 1st defendant before the DRT you are not a party ?

Ans: I am not a party to DRT proceedings.

Question: The auction sale of suit A Schedule property was conducted by DRT?

Ans: Yes conducted by DRT.

Question: In your proof affidavit you have alleged that fraud have been played before the DRT in the auction sale, can you explain nutshell?

Ans: In Mortgage itself fraud played.

Question: What is the fraud in the Mortgage?

Ans: P.L. Sundharam got Power of Attorney from the land owners (4 to 19 defendants) for developments of their lands, not to Mortgage the property to 3rd party. In the year 1991 itself nearly 4 Acres has been given by St.Thomas Mount Panchayath as gift deed for approval of MMDA for residential plot proposal. Same has been approved in the year 1991 itself accordingly P.L. Sundharm has sold nearly 2 Acres land sold to the individuals like me after verification of original documents available with P.L. Sundharam.

Question: According to you who has committed fraud in the Mortgage?

Ans: Indian Bank is the Mortgagee and P.L. Sundharam is the Mortgagor.

Question: When the bank accept the property on Mortgage will they not satisfy themselves about the competence of the Mortgagor to Mortgage the property?

Ans: It is fraudulent Mortgage.

Question: When the bank is extending credit of huge money on Mortgage, they are more concerned than anybody else about the Legality of Mortgage?

Ans: Indian Bank has not verified any of the Legality of the Mortgage and inspection of the site, since the Agricultural land converted to plot approved by MMDA and 4 Acres gifted to Government, and 2 Acres already sold.

Question: I put it to you that if the Indian Bank has not verified the Legality, you have no Locus standi to question the Mortgage and it can be questioned only by Mortgagor?

Ans: No

Question: You have purchased the property in year June 2006, from whom you purchased the B Schedule property?

Ans: From the Pragathi Foundation.

Question: That Pragathi Foundation purchased the said plot on 08.03.2005, from the land owners 4 to 19 defendants through their Power agent?

Ans: Yes

Question: Why you have not impleaded the Pragathi Foundation in the present suit?

Ans: Pragathi Foundation is innocent and like me and I met Mr. V. Rajagopalan Power of attorney Pragathi foundation and explained all the things and he assured that, what ever assistance legal help during the process, and Advocate also advised the same.

Question: What is the assistance or help offered by Pragathi foundation to you?

Ans: As of now, our advocate is dealing everything intact, hence the assistance of Pragathi foundation was not required.

Question: In any sale deed, there will be clause, that the vendor will indemnify the purchaser if there are any issues or defects in the sale deed, similar clause available in your sale deed, page no.7 and 8 of Ex. A2 while so why you have not invoked that clause and claimed damages from your vendor?

Ans: My Advocate not included Pragathi Foundation, since he is innocent purchaser and fraudulent done by only 4 to 19 defendants Power agent P.L. Sundharam and Indian Bank.

Question: 4 to 19 defendants are exparte in this suit?

Ans: Yes

Question: I put it to you 4 to 19 defendants have not challenged the auction sale before DRT and DRAT, High court, Single judge and Division Bench and Honorable Supreme Court of India and they lost the case and every forum the auction sale was confirmed?

Ans: Since Mortgage and before auction all the illegal activities they have not disclosed the residential plot converted from Agricultural land and gift deed.

Question: On what ground the land owners challenged the auction sale?

Ans: I do not know.

Question: I put it to you since the land owners have lost the case of challenging the auction sale, up to the Supreme court level, they are remaining exparte in this case and you are colluding with them and initiated a second round of litigation on the same facts?

Ans: It is wrong.

(At request further cross examination adjourned to some other date.)