

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.07.2015

CORAM

THE HONOURABLE MRS. JUSTICE **S.VIMALA**

C.S.No.100 of 2015

1.Ms.Tara Thiagarajan

2.Mr.S.Adikkappan ... Plaintiffs

...Vs....

M.Narayanan ... Defendant

PRAYER: Plaint under Section 92 of Code of Civil Procedure read with Order IV Rule 1 of the Original Side Rules read with Order VII Rule 1 of Code of Civil Procedure for the following relief:

(a) to empower the Plaintiffs with consent of the Board of Trustees to amend the Deed of Trust by inserting clause VIII (23) in the Deed of Trust dated 30/08/2007 as hereunder:

"The Board of Trustees shall have the power to make any additions, alterations, modifications or amendments to the Trust Deed including the objects of the Trust as Board of Trustees deem fit, at a duly convened meeting of the Board of Trustees by a resolution passed by atleast 2/3rd majority of the Board of Trustees which shall

include approval of Ms.Tara Thigarajan, until the time she remains a trustee. Upon any additions, alterations, modifications or amendments made pursuant to this Clause, the Trust Deed shall be read along with the relevant addition, alteration, modification or amendment, as the case may be, as if the same were duly incorporated in the Trust Deed dated 30th August 2007"

For Plaintiffs : Mr.T.K.Bhaskar
For Defendants : Mr.Adhitya Reddy

JUDGMENT

The suit has been filed under Section 92 of the Code of Civil Procedure seeking amendment in the trust deed dated 30.08.2007.

2. The first plaintiff is the founder of the trust and the second plaintiff and the defendants are its members. The first plaintiff has created a trust by name "Madura Microcredit Employees Welfare Trust". The Deed of Trust set out the objects for which it was created and the objects are as under:

(i) To accept on behalf of the beneficiaries of the Trust all bequests, gifts and donations of cash or other forms of assets, the income wherefrom it to be applied for the purposes hereinafter set forth in the

Trust Deed.

(ii) To Provide assistance to the employees and others of Microcredit Foundation of India and Madura Micro Finance Limited and or any other companies belonging to the Group.

(iii) To provide medical assistance to poor people.

(iv) To provide education assistance to poor people.

(v) To assist the members of Self Help group in their endeavours to improve their standard of living.

3. The Board of Trustees have felt that Trust deed is required to be amended and it is not possible to effect the amendment without permission being granted. That made the plaintiff to file a suit under Section 92 of C.P.C., seeking empowerment to the Board of Trustees to amend the Trust Deed and the following clause is sought to be added as clause VIII (23):

"The Board of Trustees shall have the power to make any additions, alterations, modifications or amendments to the Trust Deed including the objects of the Trust as the Board of Trustees deem fit, at duly convened meeting of the Board of Trustees by a resolution passed by atleast

2/3rd majority of the Board of Trustees which shall include approval of Ms.Tara Thigarajan, until the time she remains a trustee. Upon any additions, alterations, modifications or amendments made pursuant to this Clause, the Trust Deed shall be read along with the relevant addition, alteration, modification or amendment, as the case may be, as if the same were duly incorporated in the Trust Deed dated 30th August 2007"

4. The learned counsel appearing for the plaintiffs would submit that there is no difference of opinion between the trustees as to the relief claimed in the suit. The defendant, who is one of the trustees, has no objection to allow the suit.

5. There is an undertaking under Clause 3 of the Memo filed by the learned counsel for the plaintiff that the Power of amendment will not be used to abrogate any of the above objects for which the trust was formed and will be used only to expand the objects of the trust and to amend other provisions of the Trust deed.

6. The contention that the amendment sought for is only to expand the objects of the trust is reflected in the undertaking furnished in the Memo filed by the learned counsel for the plaintiff. The Memo is recorded.

Hence, the suit is decreed in terms of Memo filed by the plaintiff especially with reference to clause

3. No costs.

sd/.S.V.J

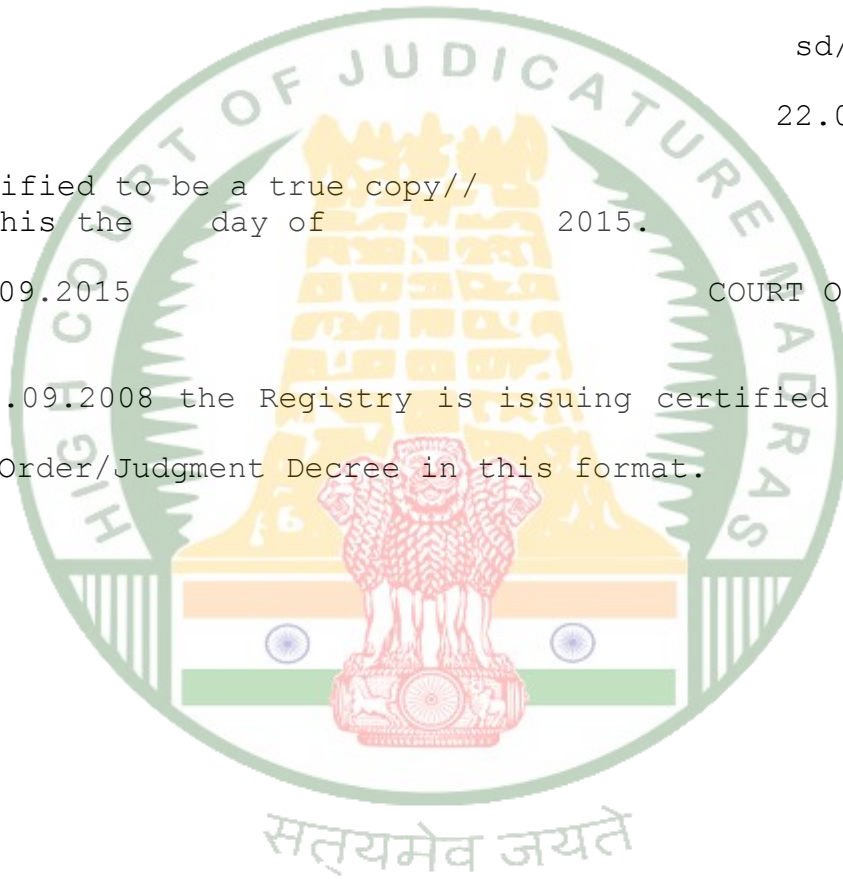
22.07.2015

//Certified to be a true copy//
Dated this the day of 2015.

R.s/14.09.2015

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.



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