

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2016

CORAM

THE HONOURABLE MR. JUSTICE **M.SUNDAR**

C.S.No.14 of 2006

1. S.M.Syed Ahamed
2. W.M.H.Mohamed Faleela ... Plaintiffs

Vs.

1. Tamil Nadu Islamic Education and
Social Services Trust, a trust rep. By
its trustees the defendants 2 to 5 herein
2. Abdul Hasan (Kalami)
3. S.Ibnu Saud
4. M.A.M.Y.Izzadeen
5. S.A.Mohamed Farook ... Defendants

PRAYER: Complaint filed under Order 7 Rule 1, Section 92 of C.P.C., and
Order IV Rule-I of O.S.Rules to pass a decree

(a) Removing the defendants 2 to 5 from their respective posts in the 1st
defendant trust;

(b) Framing a scheme for better administration of the 1st defendant trust
in future;

(c) Cost of the suit;

(d) grant such other relief;

For Plaintiffs : Mr.A.Sirajuddin
Senior Advocate instructed by
Mr.J.Dhilipan

J U D G M E N T

Mr.Sirajuddin, learned senior counsel for the plaintiffs is present. He represented that nothing survives in the matter, as it is a scheme suit based on allegations against the defendants and none of the defendants are now trustees.

2. Mr.Sirajuddin, learned senior counsel for the plaintiffs would also submit that the suit itself has to be dismissed as withdrawn owing to the above reason.

3. In the light of the fact that Mr.Sirajuddin, is now a designated senior advocate, the formality of making an endorsement by him is being dispensed with. The other two advocates on record, at that point of time, are now not readily available for making such an endorsement. Instead Mr.J.Dhilipan the instructing counsel has made an endorsement on behalf of Mr.Rajamani, learned counsel on record, who has difficulty in being present in Court to make an endorsement.

This Court is informed that the other counsel on record Ms.N.Sheela Devi, Advocate is now not in law practice.

4. In the stated circumstances set out above, Mr.Dhilipan, who has adequate instructions has made an endorsement in the Court bundle on behalf of Mr.Rajamani. In view of said endorsement made by Mr.Dhilipan, learned counsel, this Civil Suit is hereby dismissed as withdrawn. No costs.

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Index:Yes/No
Internet:Yes/No

ssd

M.SUNDAR,J.,

ssd

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