



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P(MD)No.1702 of 2016(PD)

Pichandi Poornamalai Ammal Trust,
through the Trust Chairman
P.Selvaraj

.. Petitioner

Vs.

Nil

.. Respondent

Prayer : This Civil Revision Petition is filed under Article 227 of the Constitution of India, seeking to revise and set aside the dismissal order in Trust O.P.No.351 of 2015 passed by the Principal District Judge, Thoothukudi District, dated 18th April 2016.

For Petitioner : Mr.S.Ramesh Alias Ramiah

ORDER

This revision is arising out of the order passed by the learned Principal District Judge, Thoothukudi in Trust O.P.No.351 of 2015 dated 18.04.2016.

2.Heard the learned counsel for the petitioner and perused the materials available on record.

3. Mr.M.Ramesh alias Ramiah, learned counsel for the petitioner would submit that the petitioner Trust is running an Educational Institution and they have availed loan for the welfare of the trust and due to default in repayment of the loan amount, the bank has initiated proceedings under SURFAESI Act, which constrains the petitioner Trust to file an application before the District Court, seeking permission to sell some of the properties of the Trust.

4. The learned counsel for the petitioner would further submit that the petitioner is a Public Charitable Trust and they should have filed necessary application under Section 92(f) CPC., however, it was wrongly filed under the Indian Trusts Act. The petitioner is now ready to file a fresh application under Section 92(f) CPC., and it can be considered afresh, without being influenced by the observations made in the order impugned.



5. Considering the submission of the learned counsel for the petitioner, this Civil Revision Petition is disposed of, with liberty to the petitioner to work out his remedy in the manner known to law. However, if any fresh application is filed under Section 92 of Civil Procedure Code, the Trial Court shall consider the same afresh and pass orders in accordance with law, without being influenced by any other observations made in the order impugned. No Costs.

Sd/-
Assistant Registrar (W)

/True Copy/

Sub-Assistant Registrar

To

The Principal District Judge,
Thoothukudi District,

+One cc to Mr.S.Ramesh @ Ramiah, Advocate, SR.No.49026

PJL
RL/3C/2P/CK/28/9/2016

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