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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 28TH DAY OF APRIL 2017

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

A.Nos.1714, 858, 859, 860,861 of 2017

and

O.A.Nos.126, 127 & 128 of 2017

in

in

C.S.No.87 of 2017

Mrs.Kamala Muthiah,
W/o.Late M.Ct.Muthiah Chettiar
No.5,Raja Annamalai Road,
Purasawalkam,
Chennai-600 084.

..Applicant/Plaintiff
(A.Nos.858, 859, 860,861 of
2017 and O.A.Nos.126 to 128
of 2017))

Vs

1.Mrs.Arthi Meenakshi Muthiah,
W/o.Mr.Tarun Ghai
No.5,Sai Kripa Apartments,
4th Floor,
Sundaram Salai,
Off-Greenways Road,
R.A.Puram, Chennai-600 028.

2.Mr.Tarun Ghai
S/o.Mr.Manmohan Ghai
No.5,Sai Kripa Apartments,
4th Floor,
Sundaram Salai,
Off-Greenways Road,
R.A.Puram, Chennai-600 028.

3.Ms.Supriya Ananth reddy,
At No.23,Raja Annamalai Road,
Purasawalkam,
Chennai-600 084.

4.Sir.M.Ct.Muthiah Chettiar
Secondary School Trust,
Represented by its President
and having office at

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No.23, Raja Annamalai Road,
Purasawalkam,
Chennai-600 084.

5.Lady M.Ct.Muthiah Chettiar
Girl's Higher Secondary School Trust,
Represented by its President,
and having its office at No.13/14,
Alagappa Road,
Purasawalkam,
Chennai-600 084.

...Respondents/Defendants
(A.Nos.858, 859, 860,861 of
2017 and O.A.Nos.126 to 128
of 2017)

A.No.858 of 2017:-

Application praying that this Hon'ble Court be pleased to direct the Respondents 1 to 3 to produce accounts of the 4th and 5th Respondent's Trusts from 2010.

A.No.859 of 2017:-

Application praying that this Hon'ble Court be pleased to direct the Respondents 1 to 3 to give details of the money received as advance from the third parties for transferring/selling the plaint schedule Trust Properties described hereunder.

A.No.860 of 2017:-

Application praying that this Hon'ble Court be pleased to direct the Respondent No.1 and 2, to furnish security failing which order attachment of the personal property at No.9A, Raja Anna Malai Road, Chennai 600 084 belong to the Respondents 1 and 2.

A.No.861 of 2017:-

Application praying that this Hon'ble Court be pleased to appoint a suitable person to take over the management of the 4th and 5th defendant Trusts pending disposal of the suit.

O.A.No.126 of 2017:-

Original Application praying that this Hon'ble Court be

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pleased to pass an order of interim injunction restraining the Respondents 1 to 3, from in any way transferring / selling the Plaint Schedule Trust properties pending disposal of the suit.

O.A.No.127 of 2017:-

Original Application praying that this Hon'ble Court be pleased to pass an order of interim injunction restraining Respondents 1 to 3, from carrying out the day-to-day affairs of the 4th and 5th Respondent Trusts pending disposal of the suit.

O.A.No.128 of 2017:-

Original Application praying that this Hon'ble Court be pleased to pass an order of interim injunction restraining Respondents 1 to 3, from preventing the Applicant discharging her duties as Trustee and President of the 4th and 5th defendant Trusts pending disposal of the suit.

A.1714 of 2017:-

1.Mrs.Arthi Meenakshi Muthiah,
Flat No.D1, 4th Floor,
Sai Kripa Apartments,
No.5, Sundaram Salai,
R.A.Puram, Chennai-600 028.

2.Mr.Tarun Ghai
Flat No.D1, 4th Floor,
Sai Kripa Apartments,
No.5, Sundaram Salai,
R.A.Puram, Chennai-600 028.

3.Ms.Supriya Ananth Reddy,
No.23,Raja Annamalai Road,
Purasawalkam,
Chennai-600 084.

4.Sir.M.Ct.Muthiah Chettiar
Higher Sec. School Trust,

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rep. By its President,
No.23,Raja Annamalai Road,
Purasawalkam,
Chennai-600 084.

5.Lady M.Ct.Muthiah Chettiar
Higher Sec. School Trust,
Rep. by its President, No.13/14,
Alagappa Road,
Purasawalkam,
Chennai-600 084.

...Applicants/Defendants

VS

Mrs.Kamala Muthiah,
No.5, Raja Annamalai Road,
Purasawalkam, Chennai 600 084.

..Respondent/Plaintiff

Application praying that this Hon'ble Court be pleased
to reject the plaint filed by the Respondent/Plaintiff in
C.S.No.87 of 2017 pending on the file of this Hon'ble Court.

These applications coming on this day before this
court for hearing the court made the following order:

The plaintiff has instituted the suit for the following
reliefs:

- a) Declaring that the plaintiff is the trustee for life
and president of the 4th and 5th defendant trusts.
- b) Declaring the appointment of 1st defendant as
president and trustee of the 4th and 5th defendant
trusts as null and void.
- c) Declaring the appointment of 2nd and 3rd defendant as
trustee of the 4th and 5th defendant trusts as null
and void.
- d) Permanent injunction restraining the defendant Nos.1
to 3, their men, agents and subordinates or anyone
claiming through them from preventing the plaintiff
from discharging her functions as the trustee and

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- president of the 4th and 5th defendant trusts.
- e) Permanent injunction restraining the defendant Nos.1 to 3, their men, agents and subordinates or anyone claiming through them from any manner dealing with the properties of the 4th and 5th defendant trusts.
 - f) Appoint Dr.Jayashree Oza- Director of CEMD-Centre for Education Management and Development (New Delhi), an NGO as Administrator of the 4th and 5th defendants.
 - g) To award the cost as against the defendants herein.

Pending suit, the following applications have been filed by the plaintiff and the defendants

2.1 The Original Application in O.A.No.126 of 2017 has been filed by the plaintiff, seeking an order of interim injunction restraining the respondents 1 to 3, from in any way transferring / selling the Plaint Schedule Trust properties, pending disposal of the suit.

2.2 The Original Application in O.A.No.127 of 2017 has been filed by the plaintiff, seeking an order of interim injunction restraining the respondents 1 to 3, from carrying out the day to day affairs of the fourth and fifth respondent Trusts, pending disposal of the suit.

2.3 The Original Application in O.A.No.128 of 2017 has been filed by the plaintiff, seeking an order of interim injunction restraining the respondents 1 to 3, from preventing the applicant discharging her duties as Trustee

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and President of the fourth and fifth defendant Trusts, pending disposal of the suit.

2.4 The Application in A.No.858 of 2017 has been filed by the plaintiff, for a direction to the respondents 1 to 3 to produce accounts of the fourth and fifth respondents Trusts from 2010.

2.5 The Application in A.No.859 of 2017 has been filed by the plaintiff, for a direction to the respondents 1 to 3 to give details of the money received as advance from the third parties for transferring / selling the plaint schedule properties described hereunder.

2.6 The Application in A.No.860 of 2017 has been filed by the plaintiff, for a direction to the respondents 1 and 2, to furnish security failing which order attachment of the personal property at No.9A Raja Annamalai Road, Chennai-600 084 belonging to the respondents 1 and 2.

2.7 The Application in A.No.861 of 2017 has been filed by the plaintiff, for appointment of a suitable person to take over the management of the fourth and fifth defendants trust, pending disposal of the suit.

2.8. The defendants have come up with the application in A.No.1714 of 2017 to strike off the plaint mainly contending that the defendants 4 and 5 are public and charitable Trust and the claims were settled for the Trust

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of this Court in C.S.No.598 of 2013 and C.S.No.603 of 2013. However, the plaintiff, without complying with the mandatory provisions of Section 92 CPC has preferred the suit and hence it is liable to be struck off.

3. For sake of convenience, the parties herein are referred as per their status in the suit.

4. The case of the plaintiff is that the father-in-law of the plaintiff Shri.M.Ct.Chidambaram Chettiar is the Founder of the 4th and 5th defendant Trusts. After his demise, in the year 1954, the plaintiff's husband Shri.M.Ct.Muthiah Chettiar took over the management. The said Muthiah Chettiar got married with the applicant in the year 1971. The plaintiff would further state that Shri.M.Ct.Chidambaram Chettiar was the life trustee and as per Clauses 2 and 3 of the Trust Deed, the representative of the family of the Founder shall hold the office as a Trustee for life and President. Hence, on the demise of Shri.M.Ct.Muthiah Chettiar in September 2006, the plaintiff became the President and Trustee for life. In that capacity, the plaintiff wrote a letter dated 29.09.2016 to convene a meeting. Since it was replied that the plaintiff was a Trustee only till 16.07.2015, the present suit is filed.

5. The suit has been instituted mainly alleging that

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the second respondent is misusing the school premises for his personal use and gain; that few rooms in the School were renovated for expanding the administrative office of the School and the second defendant started using the same for non-curricular / personal activities; that when the teachers questioned the illegal activities of the second respondent, they were suspended and the second defendant has also lodged criminal complaints against them; that the boys and girls School are Government aided Schools and the vacancies have not been filled. The second defendant appoints staffs to cover the illegalities; that every month more than a lakh is spent from the corpus fund of the Trust, who are in no way connected with the running of the school; that the second defendant has misappropriated all the funds of the Trust for his personal gain; donations received from the students were not properly accounted in the Trust account; that he defendants 1 to 3 have taken all possible steps to close down the school; that no application was issued for new admission for the academic year 2016-2017 at the appropriate time; that no students were admitted in the 11th Group for the academic year 2016-2017; that it was also decided by the School Committee to close down the Computer Science group in the Higher Secondary and the infrastructure of the school is not properly maintained; the students strength has been reduced considerably and that the second defendant has gone to the extend of negotiating with the third parties to

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transfer/sell the properties of the Trust.

6. The plaintiff has further alleged that defendants 1 and 2 have intentionally kept the plaintiff away from the Trust with a view to see that no one questions the activities of the second defendant. The 3rd defendant being friend of the first defendant, also did not question the second defendant. Taking advantage of the suit, the second defendant is misappropriating the Trust funds for personal gain and attempting to sell the Trust property. The plaintiff has interest in the Trust and the suit is filed to establish the plaintiff's right. So, it is not barred under Section 92 of CPC.

7. Heard Mr.C.Ramakrishnan, learned counsel for the plaintiff and Mr.P.S.Raman, learned Senior Counsel for the defendants and perused the materials available on record.

8. The learned counsel for the plaintiff while reiterating the allegations made in the plaint, also submitted that the School is located in prime locality and it is 100 years old School. The students are coming from lower strata of the Society. The second respondent is running the School now and various complaints were made against him. The learned counsel would contend that as per the Trust Deed, the plaintiff is a life trustee and President of the Trust. The founder of the 4th and 5th defendant Trusts is the father-in-law of the applicant and

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after the death of her husband M.Ct.Muthiah, the plaintiff became the President and life Trustee and took over the management. Thus the plaintiff has personal interest in the Trust and the suit is filed to establish the right of the plaintiff. Therefore, the suit will not come under the purview of Section 92 of CPC.

9. The learned counsel for the plaintiff placing reliance on the decision of the Delhi High Court in the case of *Anil Nanda & Anr. vs. M/s.Escorts Ltd. & Ors. in RFA (OS) No.44/2008, dated 16.01.2009* and the decisions of the Supreme Court reported in *AIR 1974 Supreme Court 2141 (Swami Parmatmanand Saraswati & Anr. vs. Ramji Tripathi & Anr.)* and in the case of *Popat and Kotecha Property Vs. State Bank of India Staff Association [Appeal (Civil) No.3460 of 2000, dated 29.08.2005]*, submitted that suit is very well maintainable, as mis-management and misappropriation of funds of Trust have been alleged against the respondents 1 and 2 and to establish the right of the of the plaintiff in the Trust.

10. The Hon'ble Supreme Court in the case of *Swami Parmatmanand Saraswati (supra)*, held as follows:-

"A suit under s. 92 is a suit of a special nature which presupposes the existence of a public trust of a religious or charitable character. Such a suit can proceed only on the allegation that there was a breach of such trust or that the direction of the Court is necessary

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for the administration of the trust and the plaintiff must pray for one or more of the reliefs that are mentioned in the section. It is, therefore, clear that if the allegation of breach of trust is not substantiated or that the plaintiff had not made out a case for any direction by the Court for proper administration of the trust, the very foundation of a suit under the section would fail, and, even if all the other ingredients of a suit under s. 92 are made out, if it is clear that the plaintiffs are not suing to vindicate the right of the public but are seeking a declaration of their individual or personal rights or the individual or personal rights of any other person or persons in whom they are interested, then the suit would be outside the scope of S. 92 see *Shamukhan v. Govinda* (1) [Tirumalai Devasthanams v. Krishnayya](#) (2). [Sugra Bibi v. Hazi Kummua Mia](#) (3) and Mulla : Civil Procedure Code (13th ed.), Voll. 1, p. 4001. A suit whose primary object or purpose is to remedy the infringement of an individual right or to vindicate a private right does not fall under the section. It is not every suit claiming the reliefs specified in the section that can be brought under the section but only the suits which, besides claiming any of the reliefs are brought by individuals as representatives of the public for vindication of public rights; and in deciding whether a suit falls within s. 92, the Court must go beyond the reliefs and have regard to the capacity in which the plaintiffs are suing and to the purpose for which the suit was brought. This is the reason why trustees of public trust of a religious nature are precluded

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from suing under the section to vindicate their individual or personal rights. It (1) A.I.R. 1938 Madras 92. (2) A.I.R. 1943 Madras 466. (3) [1969] 3 S.C..R. 23. is quite immaterial whether the, trustees pray for declaration of their personal rights or deny the personal rights of one or more defendants. When the right to the office of a trustee is asserted or denied and relief asked for on that basis, the suit falls outside s. 92."

11. The Division Bench of Delhi High Court in *Anil Nanda & Anr (supra)*, in Paragraph Nos.21 and 30 observed as follows:-

"21. The approach of a Court while dealing with an application under Order VII Rule 11 of CPC application has been settled by a number of judgments of the Hon'ble Supreme court as well as this Hon'ble Court. In Raj Narain Sarin through LRs and others v. Laxmi Devi and others, reported in (2002) 10 SCC 501, it was held that, - it is a well-settled principle of law that the law court should be rather hesitant to exercise the jurisdiction under Order 7 Rule 11 unless the factual score warrants such exercise and the matter in issue falls within the four corners of the requirement of the statute. [In Popat and Kotecha Property v. State Bank of India Staff Assn.](#), reported in (2005) 7 SCC 510, the Hon'ble Supreme Court held that, - Clause (d) of Order 7 Rule 7 speaks of suit, as appears from the statement in the plaint to be barred by any law. Disputed questions cannot be decided at the time of considering an application filed under Order 7

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Rule 11 CPC. Clause (d) of Rule 11 of Order 7 applies in those cases only where the statement made by the plaintiff in the plaint, without any doubt or dispute shows that the suit is barred by any law in force. Although it is the substance and not merely the form that has to be looked into, the pleading has to be construed as it stands without addition or subtraction of words or change of its apparent grammatical sense. The intention of the party concerned is to be gathered primarily from the tenor and terms of his pleadings taken as a whole. At the same time it should be borne in mind that no pedantic approach should be adopted to defeat justice on hair-splitting technicalities.? In Inspiration Clothes & U v. Colby International Limited, reported in 88 (2000) DLT 769, a Division Bench of this Court held that, -A distinction must always be drawn between a plea that plaint does not disclose a cause of action and the plea that the plaintiff has no cause of action to sue. The grounds on which plaint can be rejected are enumerated in clauses (a) to (d) of Rule 11 of Order 7 C.P.C. The first ground on which plaint can be rejected is that it does not disclose a cause of action. While considering the prayer to reject the plaint on ground (a) of Order 7 Rule 11 C.P.C. that the plaint discloses no cause of action, which is essentially a demurrer, the defendant must be taken to admit for the sake of argument that the allegations of the plaintiff in the plaint are true in manner and form. The power to reject the plaint on this can be exercised only if the Court comes to the conclusion that even if all the allegations are taken to be

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proved, the plaintiff would not be entitled to any relief whatsoever. A distinction must always be drawn between a case where the plaint on the face of it discloses no cause of action and another in which after considering the entire material on the record the Court comes to the conclusion that there is no cause of action. In the first case the plaint can be rejected but in the latter case the plaint cannot be rejected. The suit has to be dismissed. Learned Single Judge adopted the second approach. This was not the stage where the Court was expected to enter into this controversy that whether there was a cause of action to the plaintiff against the defendant or not. No doubt that where the plaint is based on a document, the Court will be entitled to consider the said document also and ascertain if a cause of action is disclosed in the plaint, but validity of the document cannot be considered at this stage. To enable a Court to reject a plaint on the ground that it does not disclose a cause of action, it should look at the plaint and documents accompanying the plaint only and nothing else. The Court, however, cannot look at the defence of the defendant or the documents relied upon by the defendant.

22. Upon a reading of the plaint and believing the averments therein to be correct, as the law mandates at this stage, we are of the view that the suit filed by the Appellants is not a Public Interest Litigation. In fact, Appellant No. 2 had not only contributed a sum of Rs. 1.5 crores to the corpus of the trust on the footing that it was a purely charitable body but

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Appellant No. 1, an erstwhile Trustee, also had a strong personal interest in ensuring that the charitable body created by his father was not subverted and diverted for private profit of some individuals. Thus, the plaint on the face of it discloses a cause of action in favour of the Plaintiff.

23. In our opinion, the Appellants in the suit have articulated their own grievances and seek relief in respect thereof. The Appellants are neither strangers to the Trust nor suing on behalf of any other person and, therefore, even the issue of complying with the provisions of Order I Rule 8 CPC did not arise.

30. In any event, a suit by a trustee against a co-trustee is certainly not covered by Section 92 of CPC (See Sri Vedagiri Lakshmi Narasimha Swami Temple Vs. Induru Pattabhirami Reddi reported in AIR 1967 SC 781 at 786 and Tirumalai Tirupati Devasthanams Committee Vs. Udiavar Krishnayya Shanbhaga & Ors. reported in AIR 1943 Madras 466 at 469). Further a suit praying for declaration that certain properties were trust properties is also outside the ambit of [Section 92](#) as held in [Pragdasji Guru Bhagwandasji v. Ishwarlalbhai Narsibhai and others](#) reported in AIR 1952 SC 143 at 144, Bishwanath and another v. Sri Thakur Radha Ballabhji and others, reported in AIR 1967 SC 1044 at 1046 and [Harendra Nath Bhattacharya and others v. Kaliram Das \(Dead\)](#) by his Heirs and Lrs. And others, reported in AIR 1972 SC 246 at 250. Consequently, in the present instance bar of Section 92 of CPC to the maintainability of suit would not apply."

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12.The Hon'ble Apex Court in *Popat and Kotecha Property Vs. State Bank of India Staff Association* [Appeal (Civil) No.3460 of 2000, dated 29.08.2005] has held that while consideration application filed under Rule 11 of Order VII, the averments in the plaint as a whole have to be seen and it is not permissible to cull out a sentence or a passage and to read it out of the context in isolation.

13. The learned Senior Counsel for the defendants would submit that admittedly, the defendants 4 and 5 are Public and Charitable Trusts. This Court, in the earlier suits in C.S.No.598 of 2013 and 603 of 2013 had framed schemes, which are binding on all the parties herein. The schemes did not alter objects or purpose of the Public Trusts and the plaintiff is admittedly party to the scheme suits.

14. The learned Senior Counsel would further submit that as per the Schemes, the Trustee of the Public Trust shall hold office only for a period of 2 years unless reappointed, the President by virtue of the office shall be a life time Trustee; that the applicant, who was the President of the Trusts, nominated the first defendant as her successor. The second defendant is the Secretary of the Public Trusts and the correspondent of the respondent Schools was re-appointed as Trustee on 17.07.2015. The plaintiff retired from the Public Trust on 16.07.2015 by

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efflux of time and she is not re-appointed as a Trustee in the Trusts.

15. The learned Senior Counsel for the defendants would further submit that the Public Trusts are bound only by the provision of Section 92 of CPC. Sub-section (1) of Section 92 CPC, mandates initiation of proceedings only by the Advocate General or by two or more persons interested in the Public Trust with the direction of the Court and sub-section (2) of Section 92 statutorily bars claiming any relief specified in Section 92 (1).

16. The learned Senior Counsel, placing reliance on the decision of the Supreme Court reported in *AIR 1975 Supreme Court 371 (Charan Singh and Anr. vs. Darshan Singh and Ors.)* would submit that the relief in Section 92 (h) is a residuary relief, which must be akin or for same nature as in all the reliefs mentioned in Section 92 (a-g). Since the prayer in the suit relates to the reliefs covered under Section 92(1) of CPC, there is a clear bar, so the plaintiff's suit has to be struck off from the file by allowing this application.

17. The learned Senior Counsel would further submit that the entire allegations and averments made against the defendants by the plaintiff are specifically denied as false and incorrect and that can be only established after

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trial. However, since the suit is hit by Section 92 of CPC, the application in O.A.No.1714 of 2017 is filed.

18. It is the specific case of the defendants that the suit is not filed by the Advocate General or by two or more persons as mandated under Section 92 (1) CPC and so it is liable to be struck off.

19. I have to consider the applications filed by the plaintiff. The plaintiff has alleged that the defendants have misused the school premises for their personal use and gain. The defendants 1 to 3 have taken all possible steps to close the school and the second respondent is negotiating with the third parties to sell the properties of the fourth and fifth respondent Trust. For which, the defendants have refuted the allegations stating that the plaintiff is the seventh respondent in W.P.No.26054 of 2011, in which, the defendants have given undertaking that the school will not be closed or commercialized and that no other activity other than what is beneficial to the School will be done. The second defendant or the defendants 1 to 3 have neither alienated / sold / transferred to any third parties or agreed to alienate, transfer the properties to the third parties, belonging to the fourth and fifth defendants. It is further stated that as per Section 31(1) of the Tamil Nadu Recognized Private Schools (Regulation) Act, restricts alienation of the property of the Trust

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without the proper consent in writing form the Competent Authority and it was also observed in W.P.No.4900 and 6036 of 2012.

20. The plaintiff further alleged that in four rooms in the School were renovated for the personal use of the defendants 1 and 2. The defendants denied the allegations stating that the four rooms in the ground floor are being used as Office of the President, Secretary, Trust, alumni room, ever since the plaintiff was the President.

21. The plaintiff has further alleged that the defendants 1 and 2 have not taken any steps to fill up the Government sanctioned permanent vacancies, but appointed the management staff, so that they do not question their illegal acts. The defendants denied the allegation by stating that since 1980 there are only about 40 aided teaching staff and the second defendant became the President only in the year 2010. Prior to that, the plaintiff was the President and he surrendered the aided vacancies and after several follow-ups, the Chief Education Officer permitted the second defendant to fill up the aided post, by a direct recruitment, which was delayed since Teachers Eligibility Test was mandatory. Thereafter, the School was under direct payment from 29.02.2012 to 01.12.2015. The defendants have further stated that for functioning of the Public Trust require staffs, whose

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expenses are borne by the Trust. So, the allegations, amounts are being spent on salaries of staff, who are not connected with the Schools are not correct.

22. The plaintiff has further alleged that the second defendant has misappropriated the funds of the Public Trust for his personal gain, instead of using them for the benefit of the Public Trust and the donations received from the students were not properly accounted in the Trust accounts. The defendants have refuted the allegations by stating that no donations are being collected by the defendants and in W.P.Nos.4900 and 6036 of 2012 and in W.P.No.23177 of 2013, the same allegations are considered, which were appealed in W.A.Nos.1651 of 2014 & 824 of 2015 and that the allegations are lack of infrastructure facility, reduction of staff strength were also denied and disputed by the defendants in their counter.

23. According to the plaintiff, she is a Trustee for life as per Clause 2 and 3 of Trust Deed, dated 29.01.1930. The defendants 1 and 2 have taken a specific stand that in view of the Scheme Decree in C.S.No.598 of 2013 and C.S.No.603 of 2013, the plaintiff retired from the Trust by efflux of time. In view of the stand taken by the defendants 1 and 2, the burden is on the plaintiff to prove her claim in the suit.

24. It is not in dispute that apart from the suit, so

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many litigations emanated for administration and functioning of the fourth and fifth defendant Trust and in C.S.Nos.598 and 603 of 2013, this Court has framed schemes for administration of the Trusts. The truth and genuineness of the allegations and counter allegations of the parties could be decided only after they were permitted to let in evidence in the form of oral and documentary during the trial of the suit.

25. The learned counsel for the plaintiff has vehemently submitted that the second defendant has already sold the property of the Trust for about Rs.300 to Rs.400 Crores. The defendants have denied the allegation stating that they have not alienated the properties nor agreed to alienate / sale the properties to third properties. When the defendants have specifically denied the allegations of the plaintiff, no documentary evidence produced before this Court to substantiate the allegation of the plaintiff. Likewise, the other allegations are also very vague and bald in nature, not supported by any materials.

26. It is to be noted that the plaintiff is the mother of the first defendant and mother-in-law of the second defendant. Considering the previous litigations and the pendency of the cases between the parties and the materials placed before this Court, I am of the considered opinion, at this juncture, the plaintiff has not made out a prima-

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facie case to grant reliefs sought for in the applications. I do not find any merits in the applications filed by the plaintiff. Hence, all the applications filed by the plaintiff are liable to be dismissed.

27. In the light of the judgements relied on by learned counsel for the plaintiff, referred supra, and taking into consideration the averments made in the plaint, this Court is of the opinion, the defendants have not made out a case to reject the plaint. In the result, the application filed by the defendant in A.No.1714 of 2017 is dismissed and the Applications in A.Nos.858, 859, 860, 861 of 2017 & Original Applications in O.A.Nos.126, 127 and 128 of 2017, filed by the plaintiff, are also dismissed.

Sd/.M.K.K.S.J

28.04.2017

//Certified to be a true copy//

Dated this the day of 2017.

jj/03.05.2017

COURT OFFICER

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