

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2017

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE M.SUNDAR

O.S.A.Nos.220 to 222, 68, 69, 166 & 167 of 2015

G.V. SELAM ... Appellant in OSA.220 of 2015

Vs

1. G.V.SAMPATH
2. R.SADANANDAM
3. M/S. VELLORE INSTITUTE OF TECHNOLOGY
A PUBLIC CHARITABLE TRUST
REP BY ITS CHAIRMAN AND MANAGING TRUSTEE AND
CHANCELLOR, SHRI G.VISWANATHAN
4. VELLORE INSTITUTE OF TECHNOLOGY,
(VIT UNIVERSITY) KATPADI, TIRUVALAM ROAD
VELLORE 632 014
REP BY ITS REGISTRAR
HAVING ADMINISTRATIVE OFFICE AT
NO.W-73 ANNA NAGAR WEST
CHENNAI 600 040.
5. G.VISWANATHAN
S/O. LATE P.GOVINDASWAMY
CHANCELLOR VIT UNIVERSITY
KATPADI TIRUVALAM ROAD
VELLORE 632 014.
6. SANKAR VISWANATHAN
S/O. MR.G.VISWANATHAN
VICE PRESIDENT VIT UNIVERSITY
KATPADI THIRUVALAM ROAD
VELLORE 632 014.
7. SEKAR VISWANATHAN
S/O. MR.G.VISWANATHAN
VICE PRESIDENT VIT UNIVERSITY
KATPADI THIRUVALAM ROAD
VELLORE 632 014.

8. G.KANAGASABAPATHY

9. S.DHARMARAJA CHETTIAR

10.P.L.MAREDDY

11.SUNDARY REDDY

12.SANDYA PENTA REDDY

13.A.RAVINDRAN

14.R.VIJAYAKUMAR

15.C.VENKATASWAMY ... Respondents in OSA.220 of 2015

M/S. VELLORE INSTITUTE OF TECHOLONGY

VIT UNIVERSITY KATPADI

TIRUVALAM ROAD, VELLORE 632 014

REP BY ITS REGISTRAR ADMN

NO. W-73 ANNA NAGAR WEST

CHENNAI 600 040

... Appellant in OSA.68 & 69 of 2015

Vs

1. G.V.SAMPATH

2. R.SADANANDAM

3. M/S.VELLORE INSTITUTE OF TECHNOLOGY

A PUBLIC CHARITABLE TRUST

54 THENNAMARAM STREET

REP BY CHAIRMAN & MANAGING TRUSTEE &

CHANCELLOR G.VISWANATHAN

4. G.VISWANATHAN

5. SANKAR VISWANATHAN

6. SEKAR VISWANATHAN

7. G.V.SELVAM

8. G.KANAGASABAPATHY

9. S.DHARMARAJA CHETTIAR

10.P.L.MAREDDY

11.SUNDARI REDDY

12.SANDYA PENTA REDDY

... Respondents in OSA.68 & 69 of
2015

M/S. VELLORE INSTITUTE OF TECHOLONGY
A PUBLIC CHARITABLE TRUST
REP.BY ITS CHAIRMAN & MANAGING TRUSTEE & CHANCELLOR
G.VISWANATHAN
54 THENNAMARAM STREET, VELLORE 632 001.

... Appellant in OSA.166 & 167 of 2015

Vs

1. G.V.SAMPATH

2. R.SADANANDAM

3. VELLORE INSTITUTE OF TECHNOLOGY (VIT UNIVERSITY)
KATPADI TIRUVALAM ROAD
REP.BY ITS REGISTRAR
NO.W-73 ANNA NAGAR WEST CHENNAI 600 040

4. G.VISWANATHAN

5. SANKAR VISWANATHAN

6. SEKAR VISWANATHAN

7. G.V.SELVAM

8. G.KANAGASABAPATHY

9. S.DHARMARAJA CHETTIAR

10.P.L.MAREDDY

11.SUNDARI REDDY

12.SANDYA PENTA REDDY

13.A.RAVINDRAN

14.R.VIJAYAKUMAR

15.C.VENKATASWAMY

... Respondents in OSA.166 & 167 of 2015

Appeals filed under Order XXXVI, Rule 9 of Original Side Rules read with Clause 15 of Letters Patent against the order dated 29.09.2015, 20.02.2015 & 24.07.2015 made in Application No.5513 of 2015, 4580 of 2015; 4579 of 2015;3559 of 2013; 3560 of 2013; 2366 of 2015 & 3543 of 2013 in C.S.No.518 of 2013 on the file of this Court.

Prayer in Application No.5513 of 2015 in C.S.No.518 of 2013 :

Application filed under Order XIV Rule 8 of OS Rules, read with Order 1 Rule 10 of C.P.C., read with under Section 92 C.P.C., to strike out the Second Plaintiff from the array of Plaintiffs in the above suit.

Prayer in Application No.4580 of 2015 in C.S.No.518 of 2013 :

Application filed under Order XIV Rule 8 of OS Rules, Clauses XII of the Letters Patent Act read with Order 3 Rule 1 of the Madras High Court Original Side Rules to revoke the leave granted vide Orders dated 30.07.2013 in Application No.3335 of 2013 in C.S.No.518 of 2013.

Prayer in Application No.4579 of 2015 : Application praying that this Honourable Court be pleased to grant an order of revoke the Leave granted in Application No.3334 of 2013 in C.S.No.518 of 2013.

Prayer in Application No.3559 of 2013 : Application has been filed under Judge's Summons under Order XIV Rule 8 of OS Rules and under Clause XII of Letters Patent Act read with Order III Rule 1 of C.P.C., praying to revoke the Leave granted by this Hon'ble Court in Application No.3334 of 2013 in C.S.No.518 of 2013 dated 30.07.2013.

Prayer in Application No.3560 of 2013 : Application has been filed under Judge's Summons under Order XVI Rules VIII of OS Rules read with Order III Ruled of C.P.C., praying to revoke the Leave granted by this Hon'ble Court in Application No.3335 of 2013 in C.S.No.518 of 2013 dated 30.07.2013.

Prayer in Application No.2366 of 2015 : Application praying that this Hon'ble Court be pleased to implead the Applications herein as party defendants No.13 & 14 in C.S.No.518 of 2013.

Prayer in Application No.3543 of 2013 : Application praying that this Hon'ble Court be pleased to implead the applicant as a proposed Respondent 12th Defendant in the above suit.

Prayer in C.S.No.518 of 2013 : The Plaintiffs therefore pray that this Hon'ble Court may be pleased to:

a) Frame a scheme for the proper conduct of the affairs of the First defendant Trust;

b) Remove the defendants 3 to 11 from the post of trusteeship and appoint an administrator in the interregnum, pending framing of a scheme by this Hon'ble Court;

c) Direct the defendants to render true and proper accounts in respect of the 1st Defendant Trust including that of the 2nd Defendant from the year 2001 till date of taking of accounts;

d) reinstate the First Plaintiff to the post of Vice - President of the Second defendant and allow the First plaintiff to discharge his duties as trustee of the First defendant trust and; for such further or other reliefs as Hon'ble Court may deem fit and proper in the circumstances of the Case.

For Appellant : Ms.Chitra Sampath
Senior Counsel for Mr.A.Saravanan
in O.S.A.Nos.220 to
222/2015 & 69/2015

Mr.K.M.Vijayan
Senior Counsel for Mr.R.Sivakumar
in O.S.A.No.68 of 2015

Mr.T.R.Rajagopalan
Senior Counsel for Mr.N.Ganesh Kumar
in O.S.A.Nos.166 & 167/2015

For Respondents : Mr.Prakash Gokalaney for R1 & R2
in O.S.A.Nos.220 to 222/2015;
166 & 167/2015

Mr.V.Lakshminarayan
for R1 & R2 in OSA.Nos.68 & 69/2015
and R14 & R15 in O.S.A.Nos.
166 & 167/2015 & R14 & 15 in
O.S.A.Nos. 220 to 222/2015

Mr.G.Viswanathan for R4 in
O.S.Nos.220 to 222/2015

Mr.R.Munusamy for R13 in
O.S.A.Nos.220 to 222/2015,
166 & 167/2015

Mr.A.Saravanan for R11 & R12
in O.S.A.Nos.166 & 167/2015

COMMON JUDGMENT

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

It is a matter of great satisfaction that the Mediator has been able to resolve the issues inter se the parties and thus saved the parties years of multifarious litigation. The parties have also adopted a constructive approach with the positive assistance of their counsel. We are thus able to take the settlement dated 12.01.2017 on record.

2. The aforesaid settlement would require monitoring both by the Mediator as well by the Court to iron out the creases in its implementation. It is agreed that the compromise shall form part of a decree to be passed in the suit in O.S.No.67 of 2014 on the file of the Principal District Court, Vellore. The said suit be transferred to this Court, whereupon the Memorandum of settlement will be placed in that suit.

3. In so far as the present appeals are concerned, they stand disposed of in terms of the compromise, leaving the parties to bear their own costs.

4. The appeals may however be listed for directions on 19.01.2017 for the purpose of recording settlement in O.S.No.67 of 2014. O.S.No.67 of 2014 pending on the file of the Principal District Court, Vellore as well as C.S.No.518 of 2013 be listed before this Court for passing a formal order.

5. We compliment the parties, counsel and the Mediator for having achieved success in a difficult case.

6. List for directions on 19.01.2017 at 4.00 P.M. All parties are directed to be present on that date.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

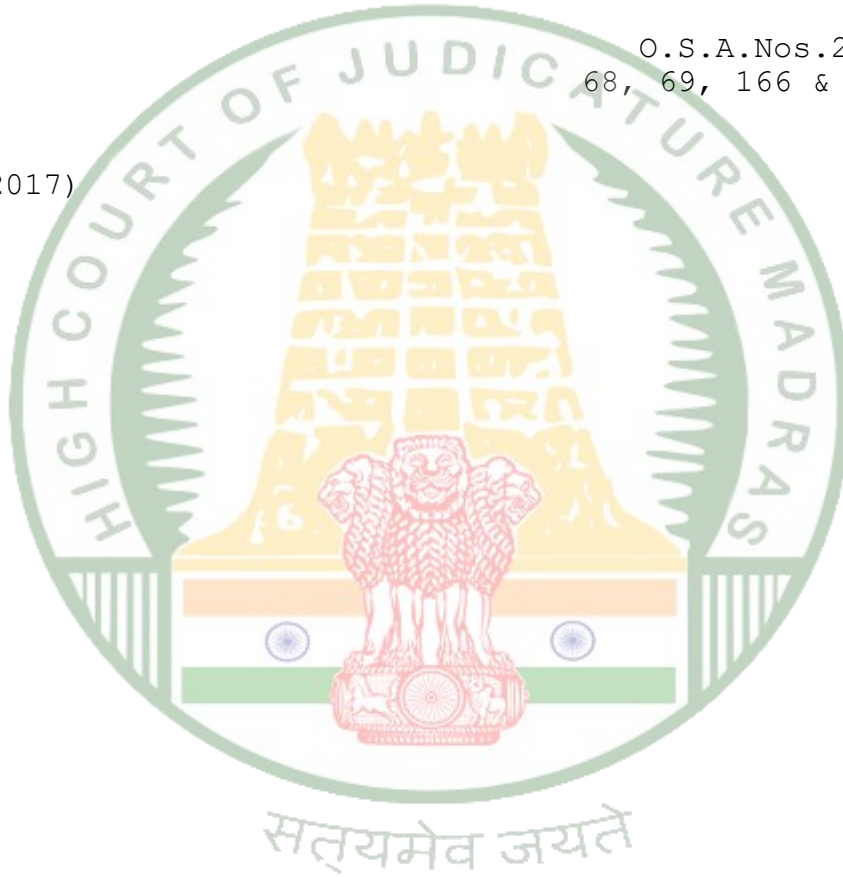
The Sub Assistant Registrar,
Original Side,
High Court, Madras.

Copy to:

The Principal District Judge,
Vellore.

O.S.A.Nos.220 to 222,
68, 69, 166 & 167 of 2015

PA (CO)
CA(13/02/2017)



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