

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Monday, the Sixth day of November Two Thousand Seventeen

PRESENT

THE HON`BLE MR JUSTICE RAJIV SHAKDHER

AND

THE HON`BLE MR JUSTICE N.SATHISH KUMAR

CMP NO.18892 and 18893 OF 2017

IN OSA.SR84345 and 84340 of 2017

1 SRI VAPPUTUR ALWAR CHETTYS [PETITIONER IN ALL THE PETITIONS]
CHARITIES REP. BY ITS SECRETARY THATHA

SAMPATH KUMAR
S/O THATHA ALWAR CHETTY.
183, GOVINDAPPA NAICKEN ST.,
CHENNAI 1

2 THATHA SAMPATH KUMAR
S/O THATHA ALWAR CHETTY
HEREDITARY TRUSTEE,
SRI VUPPUTUR ALWAR

3 C.VIVEKANANDA
S/O LATE. C.GOPAL CHETTY
TRUSTEE BY APPOINTMENT
SRI VUPPUTUR ALWAR CHETTYS
CHARITIES, 183, GOVINDAPPA NAICKEN ST.,
CHENNAI - 600 001

4 A.BALASUBRAMANIAM
TRUSTEE BY APPOINTMENT,
SRI VUPPUTUR ALWAR
CHETTYS CHARITIES, 183, GOVINDAPPA NAICKEN
ST., CHENNAI - 600 001

Vs

1 VUPPUTUR RAMESH [RESPONDENTS IN ALL THE PETITIONS]
S/O OF LATE VUPPURUR EMBERUMANAR CHETTY,
HEREDITARY TRUSTEE,
SRI VUPPUTUR ALWAR
CHETTYS CHARITIES 183,
GOVINDAPPA NAICKEN ST.,
CHENNAI - 600 001

2 VUPPTUR SWAROOP
S/O OF LATE VUPPURUR ANANDA KRISHNA CHETTY,
HEREDITARY TRUSTEE, SRI VUPPUTUR ALWAR
CHETTYS CHARITIES 183, GOVINDAPPA NAICKEN ST.
CHENNAI - 600 001

3 VUPPTUR SETHURAM
S/O OF LATE VUPPURURE ETHIRAJULU CHETTY,
HEREDITARY TRUSTEE, SRI VUPPUTUR ALWAR
CHETTYS CHARITIES 183,
GOVINDAPPA NAICKEN ST.
CHENNAI - 600 001

4 M.MOHAMED KASIM
S/O MONIDEEN,
PARTNER,M/S CITY PROPERTY
CONSULTANTS,
OLD NO.279/1, NEW NO.861,
T.H ROAD, OLD WASHERMANPET.
CHENNAI - 600 021

5 M.B.KAHALILUR REHMAN
S/O A.E MD.BASHU,
PARTNER,M/S.CITY
PROPERTY CONSULTANTS,
OLD NO.279/1, NEW NO.
861, T.H.ROAD,
OLD WASHERMANPET,
CHENNAI - 600 001

6 M/S CITY PROPERTY CONSULTANTS,
REPRESENTED,BY ITS PARTNER,
M.B.KHALILUR RAHMAN,S/O OF A.E.MD.BASHU
OLD NO.279/1, NEW NO 861, T.H.ROAD,
OLD WASHERMANPET,
CHENNAI - 600 001

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) accept the cause title in OSA and CMP as SRI VUPPUTUR ALWAR CHETTY'S CHARITIES, Rep. by its Secretary, Thantha Sampath Kumar, Son of Thatha Alwar Chetty, 183, Govindappa Naicken Street, Chennai-600 001 instead of the suit cause title SRI VUPPUTUR ALWAR CHETTY'S CHARITIES, Rep. by its Secretary, C.Vivekananda Son of Late C.Gopal Chetty, 183, Govindappa Naicken Street, Chennai - 600 001 by allowing the Application (in CMP.No.18892/17 in OSA.SR.8435/17) and;

(ii) accept the cause title in OSA and CMP as SRI VUPPUTUR ALWAR CHETTY'S CHARITIES, Rep. by its Secretary, Thantha Sampath Kumar, Son of Thatha Alwar Chetty, 183, Govindappa Naicken Street, Chennai-600 001 instead of the suit cause title SRI VUPPUTUR ALWAR

CHETTY'S CHARITIES, Rep. by its Secretary, C.Vivekananda Son of Late C.Gopal Chetty, 183, Govindappa Naicken Street, Chennai - 600 001 by allowing the Application (in CMP.No.18893/17 in OSA.SR.No.84340/17) respectively.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.V.LAKSHMI NARAYANAN FOR M/S N.SREENIVASALU, Advocate for the petitioner in both the petitions and of MR.T.VENKATESHKUMAR Advocate for the 2nd respondent and MR.R.BALACHANDERAN, Advocate for the 1st respondent in both the petitions the court made the following order:-

(Order of the Court was made by RAJIV SHAKDHER,J.)

1. Issue notice. Mr.V.G.Guhan Murugan, accepts notice on behalf of respondent No.1, while Mr.T.Venkateshkumar, accepts notice on behalf of respondent No.2. We are told that the remaining respondents, i.e., respondents No.3 to 6 are pro forma parties.

2. These are applications, in which, the following common prayer is made:

".... to accept the cause title in OSA and CMP as "SRI VUPPUTUR ALWAR CHETTY'S CHARITIES, represented by its Secretary Thantha Sampath Kumar, S/o.Thantha Alwar Chetty, 183, Govindappa Naicken Street, Chennai-600 001", instead of the suit cause title, "SRI VUPPUTUR ALWAR CHETTY'S CHARITIES, represented by its Secretary C.Vivekananda, S/o.C.Gopal Chetty, 183, Govindappa Naicken Street, Chennai-600 001".

3. Learned counsels for the respondents present say that they have no objection to the prayer made in the petition, as long as all defences are kept open.

4. Resultantly, the prayer made in the petitions are allowed, subject to all respondents, which includes those who are not represented today, being permitted to advance all defences in accordance with law.

5. Copy of this order will be served by the Registry on respondent No.3 to 6. In case they have any objection to the direction passed today, they will have liberty to move the Court.

6. The Registry will, consequently, number the appeals, if, they are otherwise in order and place the same before the Court for hearing on 13.11.2017.

-sd/-
06/11/2017
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

THE SUB ASSISTANT REGISTRAR
ORIGINAL SIDE, HIGH COURT, MADRAS-104.

C.C. to M/S N.SREENIVASALU Advocate on payment of necessary charges

The Government Advocate, High Court, Madras - 104.

Order

in
CMP NO.18892 and 18893 OF 2017
IN OSA.SR84345 and 84340 of 2017
Date :06/11/2017

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
SDR 13.11.2017