

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 16TH DAY OF AUGUST 2018

THE HON'BLE DR. JUSTICE ANITA SUMANTH

A.No.1874 of 2014

in

C.S.No.187 of 1966

1. P.R.Pachiappa Chettiar
No.17, Kalathi Pillai Street,
George Town,
Madras.

2. C.S.Damodaram
No.14, Avadanam Papier Road, Choolai,
Madras.17.

3. T.Saravanaperumal
No.133/4, Bheemasena Gardens, Mylapore,
Madras 4.

4.V.Balachandra Chetty
No.6, Kandappa Mudali Street,
George Town,
Madras-1.

... Plaintiff

-Versus-

1.The Endowment Srimathi
Thiruvalam Thayammal
Propperities now represented by
V.Delhi Basha Chettiar

2. K.S.Muthuvelu Chetty

... Defendants

A.No.1874 of 2017

G.Mohan,
S/o. N.Gopal
8-B, Jagajeevanram Colony,
Salaiyur, Chennai.

Residing at No.17, Kalathi,
Pillai Street, G.T.Madras.

2. C.S.Damodaram,
Residing at No.14,
Avadanam Papier Road,
Choolai, Madras-7.

3. T.Saravanaperumal, residing at
No.133/4, Bheemasena Gardens,
Mylapore, Madras-4.

4.V.Balachandra Chetty, residing
At No.6, Kandappa Mudali Street,
G.T.Madras -1.

...Respondents/Plaintiffs

5. G.Gopala Krishnamoorthy
S/o. Balachandran Chettiar
No.98, Waltax Road,
Park Town, Chennai 600 003.

...5th Respondent/Third Party

Application praying that this Hon'ble Court be
pleased to direct the 5th respondent herein to render proper
accounts and the details of the Endowments properties as
set out in the above scheme decree dated 08.01.1969 in
C.S.No.187 of 1966.

This Application coming on this day before this
court for hearing, the court made the following order:

This application seeks a direction to the first
respondent herein to render accounts and details of
Endowments properties that have been set out in the scheme
decree dated 08.01.1969 passed in C.S. No. 187 of 1966.

2. Clause 19 of the Scheme Decree, states as un-
der:

*'19 Any of the parties to this suit
or any of the members of the Board of
Trustees shall be at liberty to apply to
this Court for alteration or amendment of*

the provisions of the Scheme, in case such alteration or amendment is considered necessary in the interests of the Endowment. '

3. As per clause 19, it is thus only any of the parties to the suit or any member of the Board of Trustees, who is at liberty to apply to this Court for alteration or amendment of the provisions of the scheme, in case such alteration or amendment is considered necessary in the interests of the Endowment.

4. Clause 18 of the scheme permits any member of the Board of Trustees to apply to the Court for appropriate directions in all matters concerning the administration and management of the Endowment in accordance with provisions of the scheme.

5. Admittedly, the applicant before the Court is neither a member of the Board of Trustees nor a party to the suit. A specific query was put to the learned counsel as to what the locus standi of the applicant was to move the present application, to which learned counsel submitted that an impleadment application has been filed which would be listed in due course. The matter was adjourned to enable the learned counsel to move the application and have the same listed.

6. Today, a copy of an unnumbered application is circulated before the Court. It is not known whether this application has been filed at all. In any event, it has not been pursued.

7. In the light of the fact that the applicant is admittedly unconnected with the parties to the suit or with the subject matter of the suit and has made no move to implead himself in the interests of justice to enable the Court to verify if the scheme calls for alteration or modification, the Court is of the view that no case has been made out by the applicant and the present application is dismissed.

Sd/.A.S.M.J

16.08.2018

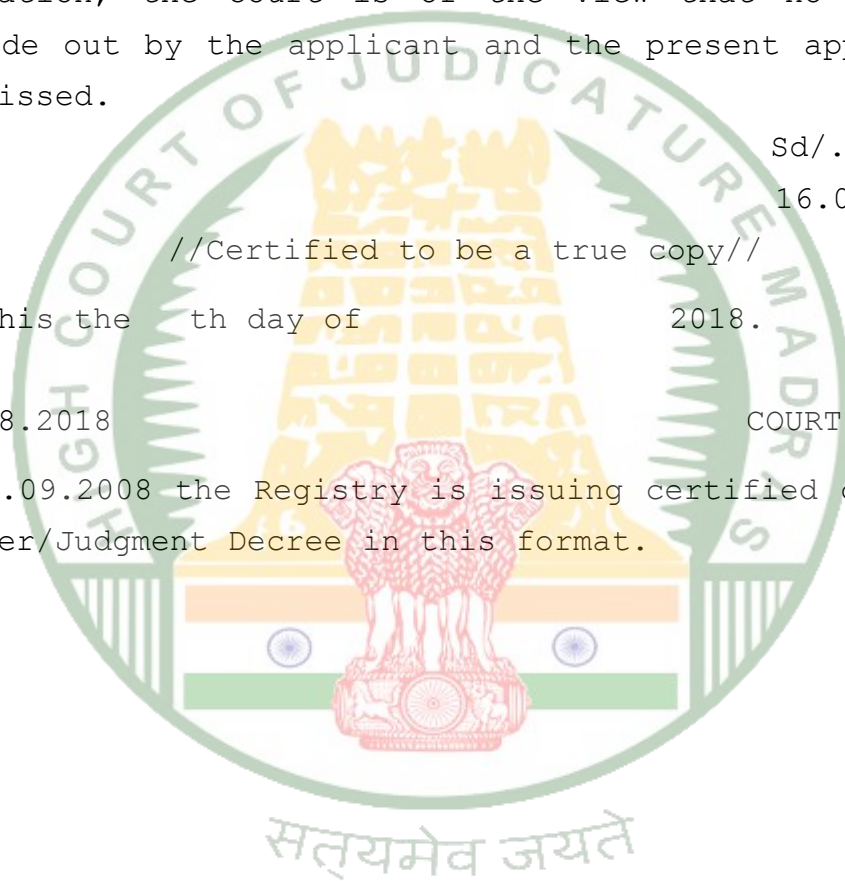
//Certified to be a true copy//

Dated this the th day of 2018.

KY/31.08.2018

COURT OFFICER

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



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