

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 04.01.2018

PRONOUNCED ON: 11.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

CS.No.593 of 2017

Rev.R.Israel Jebaraj, Secretary
Sharon Trust, Chennai-53

Plaintiff

Vs

V.Govindarajan

Defendant

Prayer:- This Civil Suit is filed under Order VII read with Section 92(f) of CPC,
for the reliefs as stated therein.

For Plaintiff : Mr.Ganesh

For Defendant : Mr.D.Parthasarathy

JUDGEMENT

This Civil Suit had been filed, seeking a judgement and decree, permitting the Plaintiff to sell the property, bearing No.4C, Karumari Amman Koil Street, Vadapalani, Chennai-26, which is the property more fully described in Schedule-A to the plaint, to and in favour of the Defendant herein and utilize the sale proceeds for moving to a better facility to effectively carry out the objectives and activities of the Trust.

2. The Schedule of Property is as follows:-

“All that piece and parcel of property being an extent of 3792 sq.ft. situated in No.4C, Karumari Amman Koil Street, Vadapalani 600026, Puliur Village, Egmore Taluk, Chennai

District, comprised in TS.No.61/48, Block Number 2, bearing Plot No.4C, measuring an extent of 3792 sq.ft. and bounded on the:-

North by : Land in S.No.61/14 & 61/15, C.S.Santhosh & C.S.Sangeetha Properties, Plot No.4A and 4B
 South by : Land in S.No.61/13, R.Govindarajan Property, Plot No.4D.
 East by : Karumariamman Koil Street
 West by : Land in S.No.62/42, Jayavilas Property

Measuring East to West on the Northern side 90'3", Southern side 92'6", North to South on the Eastern side 41'6", Western side 41'6" together with the building thereof measuring an extent of 6620 square feet comprising of basement, ground, first and second floors and the same is situated within the Registration District of Chennai Central and Sub Registration District of Kodambakkam."

3. The case of the Plaintiff as set out in the plaint, is as follows:-

a. The Plaintiff is M/s.Sharon Trust, a Charitable Trust, having its registered Office at No.14, Bharathi Nagar, Pallavaram, Chennai-43, represented by its Secretary R.Israel Jebaraj, who was authorised by the resolution dated 18.2.2017. The Petitioner Trust is the absolute owner of the property at No.4C, Karumari Amman Koil Street, Vadapalani, Chennai-26, Puliur Village, Egmore Taluk, Chennai, comprised in T.S.No.61/48, Block Number 2, bearing Plot No.4C, measuring an extent of 3792 sq.ft. which is more fully described in the A-Schedule by virtue of the sale deed dated 11.11.1997 registered as Document No.3521 of 1997 in the Office of the Sub Registrar, Kodambakkam, executed by a partnership firm, known as Super Fashion Exports.

b. It has been further stated that the Petitioner Trust has been conducting several charitable acts and deeds for the past 27 years since its

constitution on 7.2.1989 by a deed of declaration of trust registered as Document No.27 of 1989. In order to carry out the objectives of the Trust, vide resolution dated 30.12.2016, it was resolved to sell the Schedule property and the said resolution was also confirmed in the meeting of the Management Committee on 18.02.2017. As per the market conditions, the sale consideration will be Rs.3,00,00,000/- for the total area of 3792 sq.ft. while the guide line value is Rs.4600/- per sq.ft. The Petitioner Trust has also got offers from various prospective purchasers, including the Defendant, who has given the best offer to purchase the property at the prevailing market price dated 6.1.2017 for a sum of Rs.3,00,00,000/-. Since the Defendant has insisted to get permission from the Court, this civil suit had been filed, seeking permission to sell the suit property.

4. The Defendant has filed a written statement, supporting the plaint averments. It has been stated that as per the market conditions, the sale consideration in respect of the suit property will be Rs.3,00,00,000/- and that the Defendants had proposed to purchase the suit property for the said sale consideration and sought to allow the suit as prayed for.

5. As per the order of this Court dated 21.12.2017, both the Plaintiff and the Defendant have let in oral and documentary evidence. The Secretary, R.Israel Jebaraj of the Petitioner Trust was examined as PW.1 and Ex.P1 to Ex.P14 were marked. The Defendant has filed his proof affidavit, stating that he was willing to purchase the Schedule property for a sale consideration of Rs.3,00,00,000/- and he was examined as DW.1 and no document was marked on the side of the Defendant.

6. It is seen that the Defendant is the intending purchaser and he had offered to purchase the Schedule property for a sale consideration of Rs.3,00,00,000/- (Rupees three crores only), by his offer letter dated 6.1.2017 and had also let in evidence to that effect.

7. Considering the oral and documentary evidence, this Court is of the view that there is need to sell the Schedule property. Accordingly, the civil suit is decreed as prayed for. No costs. The sale shall be completed within a period of three months. After effecting sale, the Trust shall again approach this Court for confirmation of sale in accordance with law.

11.01.2018

Index:Yes/No
Web:Yes/No
Srcm

1. List of Witnesses Examined on the side of the Plaintiff:-

1. PW.1 - R.Israel Jebaraj

2. List of Exhibits marked on the side of the Plaintiff:-

1. Ex.P1 is the copy of the sale deed dated 11.11.1997 in favour of the Petitioner.

2. Ex.P2 is the copy of deed of declaration of the Petitioner Trust dated 7.2.1989.

3. Ex.P3 is the copy of the board resolution dated 30.12.2016 of the Petitioner Trust.

4. Ex.P4 is the copy of another board resolution dated 18.2.2017 of the Petitioner Trust.

5. Ex.P5 is the extract from the website registration Department showing the earlier guide line value of the Schedule property.

6. Ex.P6 is the extract from the website of registration Department showing the guideline value of the Schedule property from 9.6.2017.
7. Ex.P7 is the original offer letter dated 6.1.2017 from the Defendant with regard to purchase of the Schedule property.
8. Ex.P8 is the offer letter dated 10.1.2017 from D.Duraisamy with regard to purchase of the Schedule property.
9. Ex.P9 is the offer letter dated 23.1.2017 from A.Anwaruddeen with regard to purchase of the Schedule property.
- 10.Ex.P10 is the offer letter dated 01.02.2017 from A.K.Gulshad with regard to purchase of the Schedule property.
- 11.Ex.P11 is the offer letter dated 06.02.2017 from Dr.J.Hariharan with regard to purchase of the Schedule property.
- 12.Ex.P12 is the board resolution dated 11.2.2017 of the Petitioner Trust.
- 13.Ex.P13 is the copy of the letter dated 15.2.2017 addressed to the Defendant from the Petitioner Trust.
- 14.Ex.P14 is the original valuation report obtained by the Defendant from a chartered Engineer with regard to the Schedule property.

3. List of Witnesses Examined on the side of the defendant:-

DW.1 - V.Govindarajan

4. List of Exhibits Marked on the side of the defendant:-

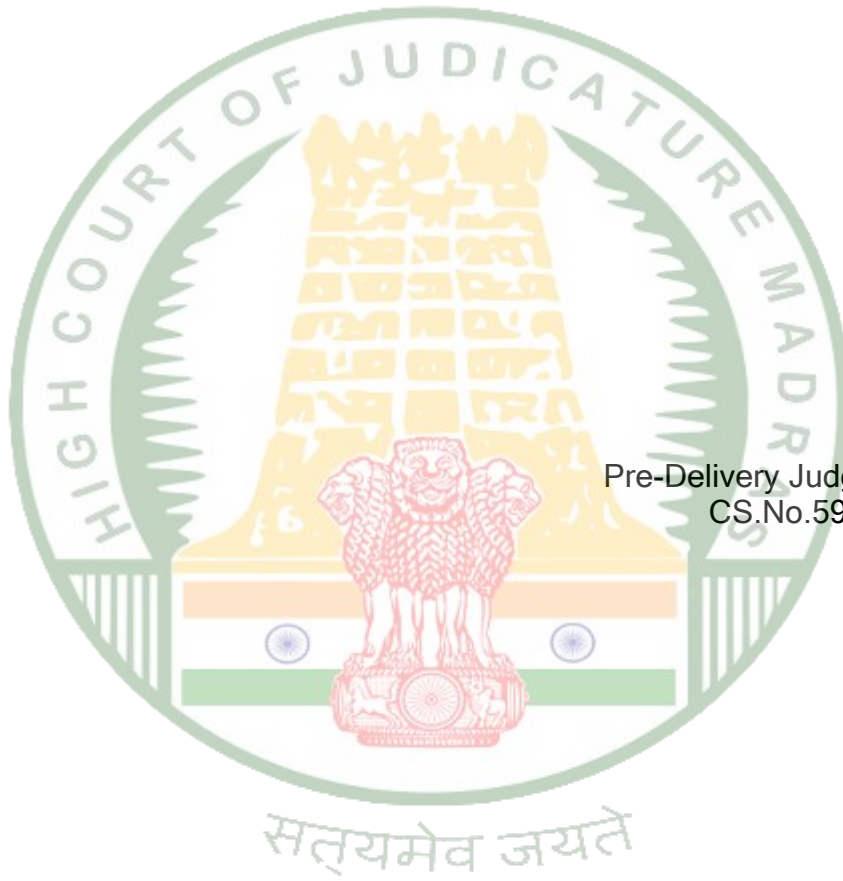
Nil

11.01.2018

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Note to Office:-

Issue on 12.01.2018



Pre-Delivery Judgement in
CS.No.593 of 2017

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