

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2018

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.S.No.538 of 2018

- 1.The RANGANAYAKI MEMORIAL TRUST,
Represented by its Managing Trustee,
Mrs.Hemalata Ramamani,
Wife of Sri (Late) K.R.Ramamani,
75A (Old No.105A), Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
 - 2.Mrs.Asha Vijayaraghavan,
Wife of Sri R.Vijayaraghavan,
Trustee, The Ranganayaki Memorial Trust,
75A (Old No.105A), Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
 - 3.Mr.Vikram Vijaya Raghavan,
Son of Sri R.Vijayaraghavan,
Trustee, The Ranganayaki Memorial Trust,
75A (Old No.105A), Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
 - 4.Mrs.Mridula Anand,
Wife of Sri Anand Nandakumar,
Trustee, The Ranganayaki Memorial Trust,
75A (Old No.105A), Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
- ... Plaintiffs

Plaint filed under Order VII Rule 1 of C.P.C. r/w Order IV Rule 1 of O.S. Rules and Section 92 (i) (f) of the Code of Civil Procedure, praying for judgment and decree as follows:

- i. to grant permission to the plaintiffs to sell the schedule mentioned property belonging to the Ranganayaki Memorial Trust and invest the entire sale proceeds in the Trust account for carrying out the charities mentioned in the Trust Deed; and
- ii. Grant such or other reliefs

For Plaintiffs : Mr.R.Subramanian

JUDGMENT

This suit has been filed by RANGANAYAKI MEMORIAL TRUST under Section 92(1)(f) of the Code of Civil Procedure, seeking permission to sell the schedule mentioned property.

2. By virtue of the Will dated 11.04.1999, RANGANAYAKI MEMORIAL TRUST became the absolute owner of the suit property. The Will was probated in O.P.No.766 of 2003 on 07.02.2004. The case of the plaintiffs is that a Public Charitable Trust was created through a registered Deed of Trust dated 2nd November 1957 and registered as Document No.94 of 1957 by one Mr.V.S.Sundaram. The Trust has been running a School in the name of RMT

Matric Higher Secondary School, Manellur, Thiruvallur District, since 1996. The present strength of the students is 210 and about 15 teachers and 13 non teaching staffs are working in the School . The School is equipped with physics, chemistry, biology and computer labs and they have been transporting students by two school buses and one van.

3. The third plaintiff in the affidavit dated 31.10.2010 has stated that the School is being run in an area of three acres. She has executed a lease deed in favour of the School in respect of her property measuring 1.5 acres on a monthly rent of Rs.100/-. The Managing Director Mrs.Hemalata Ramamani executed a Gift Deed in favour of the the Trust in respect of other 1.5 acres. The School is incurring monthly expenses for a sum of Rs.1,11,000/- towards payment of salary to teaching staff and Rs.88,500/- for non teaching staffs. The annual maintenance charges comes to Rs.22,77,759/-.

4. Mr.R.Subramanian, learned counsel for the plaintiffs would state that the Trust has not derived any rental income from the suit property, which is measuring an extent of 1250 sq.ft. He would further state that the Board of Trustees have passed a Resolution on 21.12.2017 to sell the property for the benefit of the Trust. It is further stated that the guideline value of the property is about Rs.85,00,000/- and in pursuance of the Resolution one

Mr.Vathul Saran.M. and Mrs.Aparna Meenaa have come forward to purchase the property for a sale consideration of Rs.1,17,00,000/-. The copy of the sale agreement has been enclosed in the typed set.

5. The learned counsel also by placing reliance on the decision of the Hon'ble Supreme Court reported in ***AIR 1966 SC 878 [Chairman Madappa vs. M.N.Mahanthadevaru and others]***, would contend that the Trustees are entitled to sell the property, since there is no prohibition in the Trust Deed in sale of the property. The learned counsel further submitted that a direction can be issued to the purchasers of the property to deposit the entire sale consideration in the account of the Trust and file a Memo before this Court.

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6. Considering the facts of the case and the submission of the learned counsel and condition of the Trust property, this Court is of the opinion that the plaintiffs are entitled for decree in the suit as prayed for. Accordingly, Mr.Vathul Saran.M. and Mrs.Aparna Meenaa / purchasers are directed to deposit the entire sale consideration in the account of the Trust and file a Memo before this Court. After completion of the transaction, the petitioners / Trust shall file a xerox copy of the sale deed. Accordingly, the Suit is decreed as prayed for. There is no order as to costs.

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Index :Yes / No.

Internet: Yes / No.

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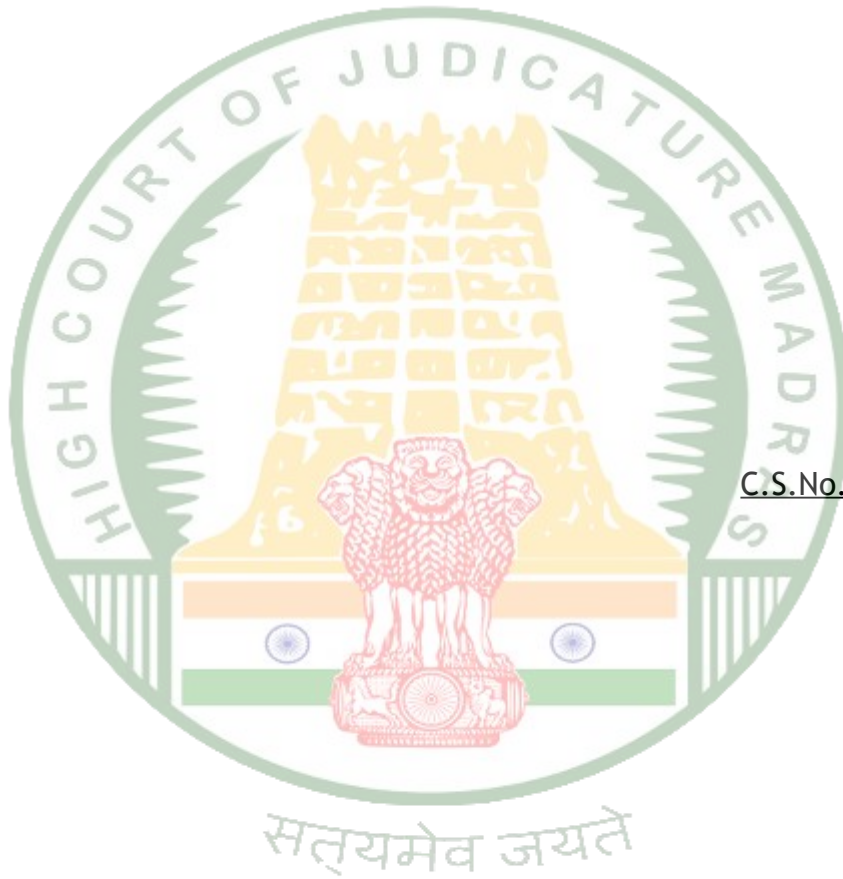
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High Court, Madras.



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K.KALYANASUNDARAM, J.,

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