

01IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 23RD DAY OF JULY 2019

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

A.Nos.3635 to 3637 of 2019
in

C.S. No.340 of 2018

1.Mr.Vishal Surana,
Managing Trustee
M/s.Gothi Surana Educational Trust

2.Mr.Vikash Surana,
Treasurer
M/s. Gothi Surana Educational Trust

3.Mrs. Vaishali Surana

4.Mrs.Vibha Surana

all at No.94, M.C.Road,
Old Washermenpet, Chennai 600 021 ...Plaintiffs

-vs-

1.M/s. Gothi Surana Educational Trust,
No.44, Kalathi Pillai Street
Sowcarpet, Chennai 600 079

2.Mr.Bhawarlal Gothi,
3.Mr.Ajit Kumar Gothi,

4.Mrs.Rajshree Gothi,

5.Mr.Arihant Gothi

Defendants 2 to 5 at
No.44, Kalathi Pillai Street
Sowcarpet, Chennai 600 079

and also flat No.8B & 8C, KGS
Vridhi Old No.867, New No.220
Poonamallee High Road,
Kilpauk, Chennai 600 010

...Defendants

A.Nos.3635 of 2019:

Hastimal Surana,
S/o.Late Chainmal Surana,
No.94, M.C.Road,
Old Washermenpet, Chennai-600 021.

..Applicant / 3rd Party

1.Mr.Vishal Surana,
Managing Trustee
M/s.Gothi Surana Educational Trust

2.Mr.Vikash Surana,
Treasurer
M/s. Gothi Surana Educational Trust

3.Mrs. Vaishali Surana

4.Mrs.Vibha Surana

all at No.94, M.C.Road,
Old Washermenpet, Chennai 600 021

...Respondents/Plaintiffs

5.M/s. Gothi Surana Educational Trust,
No.44, Kalathi Pillai Street
Sowcarpet, Chennai 600 079

6.Mr.Bhawarlal Gothi,

7.Mr.Ajit Kumar Gothi,

8.Mrs.Rajshree Gothi,

9.Mr.Arihant Gothi

Respondents 6 to 9 at
No.44, Kalathi Pillai Street
Sowcarpet, Chennai 600 079

and also flat No.8B & 8C, KGS
Vridhi Old No.867, New No.220
Poonamallee High Road,
Kilpauk, Chennai 600 010

...Respondents/Defendants

A.No.3635 of 2019:

Application praying that this Hon'ble Court be pleased to direct the Hon'ble Administrator viz. Mr.Justice K.Venkatraman (Retired) of this Hon'ble court to return of applicant's outstanding amount, Rs.81,78,660/- is due and payable by the Gothi Surana Educational Trust to the Applicant and a sum of Rs.9,72,792.50 towards interest at 15 percent p.a. after deducting a sum of Rs.1,08,088/- towards TDS at 10 percent for the period 2017-2018 and subsequent interest for the period 2018-2019.

A.No.3636 of 2019:

Snehlata Surana,
W/o.Mr.Hastimal Surana,
No.94, M.c.Road,
Old Washermenpet, Chennai-600 021.

...Applicant / 3rd Party

-Vs-

1.Mr.Vishal Surana,
Managing Trustee
M/s.Gothi Surana Educational Trust

2.Mr.Vikash Surana,
Treasurer
M/s. Gothi Surana Educational Trust

3.Mrs. Vaishali Surana

4.Mrs.Vibha Surana

all at No.94, M.C.Road,
Old Washermenpet, Chennai 600 021

...Respondents/Plaintiffs

5.M/s. Gothi Surana Educational Trust,
No.44, Kalathi Pillai Street
Sowcarpet, Chennai 600 079

<https://hcservices.ecourts.gov.in/hcservices/> 6.Mr. Bhavarlal Gothi,

7.Mr.Ajit Kumar Gothi,

8.Mrs.Rajshree Gothi,

9.Mr.Arihant Gothi

Respondents 6 to 9 at
No.44, Kalathi Pillai Street
Sowcarpet, Chennai 600 079

and also flat No.8B & 8C, KGS
Vridhi Old No.867, New No.220
Poonamallee High Road,
Kilpauk, Chennai 600 010

...Respondents/Defendants

Application praying that this Hon'ble Court be pleased to direct the Hon'ble Administrator viz. Mr.Justice K.Venkatraman (Retired) of this Hon'ble Court to return of applicants outstanding amount Rs.88,20,430.89/- is due and payable by the said Gothi Surana Educational Trust to the Applicant and a sum of Rs.10,49,125.89 is due towards interest at 15 percent p.a. after deducting a sum of Rs.1,16,569.57/- towards TDS at 10 percent for the period 2017 - 2018 and subsequent interest for the period 2018-2019.

A.No.3637 of 2019:

M/s.Hastimal Surana HUF,
Represented by its Kartha Mr.Hastimal Surana,
S/o.Late Chainamal Surana,
No.94, M.C.Road,
Old Washermenpet, Chennai-600 021.

...Applicant / 3rd Party

-Vs-

1.Mr.Vishal Surana,
Managing Trustee
M/s.Gothi Surana Educational Trust

2.Mr.Vikash Surana,
Treasurer
M/s. Gothi Surana Educational Trust

3.Mrs. Vaishali Surana

4. Mrs. Vibha Surana

<https://hcservices.ecourts.gov.in/hcservices/>

all at No.94, M.C.Road,

Old Washermenpet, Chennai 600 021

...Respondents/Plaintiffs

5.M/s. Gothi Surana Educational Trust,
No.44, Kalathi Pillai Street
Sowcarpet, Chennai 600 079

6.Mr.Bhawarlal Gothi,

7.Mr.Ajit Kumar Gothi,

8.Mrs.Rajshree Gothi,

9.Mr.Arihant Gothi

Respondents 6 to 9 at
No.44, Kalathi Pillai Street
Sowcarpet, Chennai 600 079

and also flat No.8B & 8C, KGS
Vridhi Old No.867, New No.220
Poonamallee High Road,
Kilpauk, Chennai 600 010

...Respondents/Defendants

Application praying that this Hon'ble Court be pleased to direct the Hon'ble Administrator viz. Mr.Justice K.Venkatraman (Retired) of this Hon'ble court to return of applicants outstanding amount Rs.15,90,978.60/- is due and payable by the Gothi Surana Educational Trust to Hastimal Surana HUF and a sum of Rs.1,89,235.60 towards interest at 15 percent p.a. after deducting a sum of Rs.21,026/- towards TDS at 10 percent for the period 2017-2018 and subsequent interest for the period 2018-2019.

These applications coming on this day before this court for hearing the court made the following order:-

All these Applications have been filed by the third parties seeking direction to the Administrator appointed by this Court to repay the alleged loans advanced by them to the Trust.

2. The instant suit in CS.No.340 of 2018 is a suit for framing of Scheme for better administration of the Trust. Pending suit, a retired Judge of this Court, Hon'ble Mr.Justice K.Venkataraman, was appointed as Administrator.

3. Be that as it may, I don't think these applications can be entertained in this suit, they are, in my considered opinion, foreign to the scope of this very suit which is one for settling Scheme under Section 92. If the applicants in these Applications have advanced monies to the Trust and they want repayment of loan advanced by them, it is for them to take suitable action under law by filing a suit for recovery or otherwise.

4. Hence, these Applications are dismissed.

Sd/R.S.M.J.
23.07.2019

//Certified to be a true copy//

Dated this the day of 2019.
SU/26.07.2019

COURT OFFICER

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