

O.P.No.641 of 2019

K.KALYANASUNDARAM, J.,

This petition has been filed under Sections 34 & 39 of the Indian Trusts Act, 1882, to sell the Trust property and purchase another property by investing the sale proceeds of the Trust property described in the Schedule.

2. The Trustees would state that one Mr.Goutham Chand Surana formed a Private Trust in the name of M/s.Tejraj Goutham Chand Surana Trust and the same was registered as Document No.884 of 1978, dated 07.06.1978. The Trust was created with an intention to provide financial help to educational, medical or charitable organization and to provide for payment of school or college fees for the poor students and for other objects. The said Trust is also running a private School in the name and style of M/s.Sri Sushwani Matha Jain Vidyalaya in Pulianthope, which was started for poor children during the year 2007 and affiliated to CBSE Board.

3. The Trust has acquired the following three immovable properties:-

(a) Land measuring about 3214 sq.ft, bearing Old No.24/2, New No.24, Kuttithambiran Street, Pulianthope, Chennai-12, comprised in Old Survey No.104, Re Survey No.1795/3, Vepery Village, situated within the Sub-Registration District of Periamet and North Chennai Registration District, vide Sale Deed, dated 19.11.2003, registered as Document No.2519 of 2003 before the Sub Registrar Office, Periamet.

(b) Land measuring 750 sq.ft bearing Door No.7 (Western Side), Kuttithambiran Street, Pulianthope, Chennai-12, comprised in Survey No.1795/7, as per Patta Re Survey No.1795/5, Block No.40, Vepery Village, situated within the Sub Registration District of Periamet and Central Chennai Registration District, vide Sale Deed, dated 23.08.2004, registered as Document No.2001 of 2004 before the SRO at Periamet.

(c) Land measuring about 750 sq.ft bearing Door No.7C (Western Side), Kuttithambiran Street, Pulianthope, Chennai-12, comprised in Survey No.1795/7, as per Pata Re Survey No.1795/5, Block No.40, Vepery Village, situated within the Sub Registration District of Periamet and Central

Chennai Registration District, vide Sale Deed, dated 08.11.2004, registered as Document No.2568 of 2004 before the SRO at Periamet.

4. According to the Trustees, the Trust is not yielding any income from the above said properties and therefore, they decided to sell the property for expansion of the School, by utilizing the said amount for purchase of another property, nearby M/s.Sri Sushwani Matha Jain Vidyalaya School.

5. One of the Trustees viz., Mr.Pavan Kumar Surana was examined as P.W.1 and filed proof affidavit, reiterating the averments contained in the petition and marked Exs.P1 to P9 viz.,

Exs	Documents	Dated
P1	Photocopy of the registered Deed of Trust registered as Document No.884 of 1978	07.06.1978
P2	Photocopy of Amendment of Trust Deed registered as Document No.1 of 2013 at SRO, Periamet, Chennai-3	02.01.2013
P3	Photocopy of the Sale Deed registered as Document No.2519 of 2003 at SRO, Periamet	19.11.2003
P4	Photocopy of the Sale Deed registered as Document No.2001 of 2004 at SRO, Periamet	23.08.2004
P5	Photocopy of the Sale Deed registered as Document No.2568 of 2004 at SRO, Periamet	08.11.2004
P6	Original Board Resolution passed by the petitioner Trust	10.06.2019

Exs	Documents	Dated
P7	Original paper along with some photocopies of papers in respect of the CBSE run by the petitioner Trust with affiliation certificate bearing No.CBSE / AFF / 1930448 / Ex-02135-1718 / 2017/1216988	23.02.2017
P8	Photocopy of rough sketch of the property	-
P9	Photocopy of the Minutes of Meeting of the Trust	10.06.2019

He has further stated in his evidence that he has not filed any other petition before any other Court seeking the same relief.

6. One Mr.P.Anbarasan, a qualified Civil Engineer & Approved Valuer was examined as P.W.2 and he has deposed that the petitioner-Trust had acquired three immovable properties and valued the properties at Rs.2,90,00,000/- and filed Ex.P10 valuation report.

7. Considering the averments made in the above petition and the oral and documentary evidence produced by the petitioner, I am satisfied that the sale of the property will be for the benefit of the Trust. Hence, this original petition is ordered on the following terms:-

(1) The petitioner-Trust is permitted to sell the schedule mentioned property and purchase another property by investing the sale proceeds of the Trust property.

(2) After completion of the transaction, the petitioner-Trust shall file a xerox copy of the sale deeds.

23.10.2019

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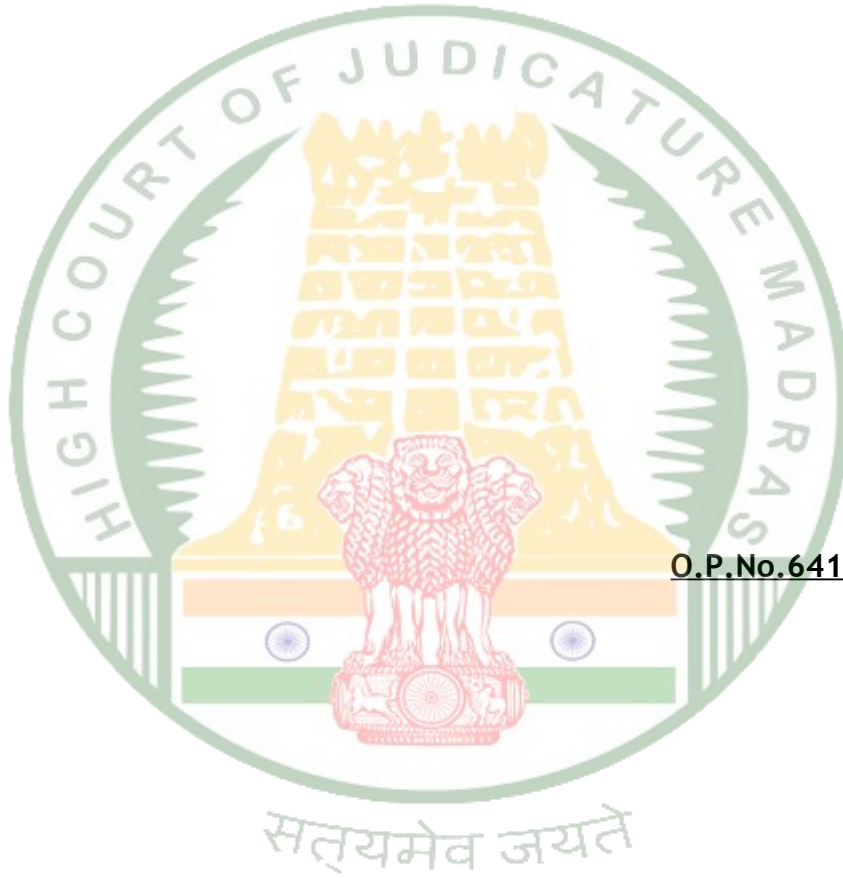


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