

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.11.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.S.No.510 of 2019

1. M/s.Shivram Trust,
Represented by its Trustee,
Mr.A.R.Rajagopalan,
No.10, Ramanathan Street,
T.Nagar, Chennai - 600 017.

2.Mr.Balasubramanian
Trustee of M/s.Shivram Trust,
No.AH 203, 3rd Street,
Anna Nagar, Chennai - 600 040.

... Plaintiffs

Plaint filed under Order IV Rule 1 of O.S Rules, for Judgment and Decree as follows:-

a) Granting permission to the plaintiff Trust to sell the suit property to M/s.Quantron Business Tech Solutions Private Limited for a total sale consideration of Rs.3,15,00,000/- [Rupees Three Crores and Fifteen Lakhs only]

b) to pass such further or other orders.

For Plaintiff : Mr.M.V.Seshachari

J U D G M E N T

The suit has been filed seeking permission to sell the suit schedule property to M/s.Quantron Business Tech Solutions Private Limited for a sum of Rs.3,15,00,000/- [Rupees Three Crores and Fifteen Lakhs only].

2. The case of the plaintiffs is that one Mr.A.R.Rajagopalan founded a Charitable Trust as per Trust Deed on 07.03.1997 with an object of promoting Indian Philosophy, culture, vedas etc. He is the Managing Trustee of the Trust and the Trust is running a padashala in the name of "Sri Shivapeeta Shivarama Veda Patasala" at Pillaipakkam Vilage in Sriperumbudur Taluk.

3. The plaintiff would further state that one Mr.J.B.Balaganesan was working as a Principal in the said Padashala and the said Mr.J.B.Balaganesan became the owner of the flat No.AC-146, 1st Floor, Shanthi Colony, Anna Nagar, Chennai, by virtue of a sale deed dated 15.07.1992. He executed a registered Will dated 23.08.2006 bequeathing aforesaid property in favour of the Trust subject to the life interest of his wife Mr.Jayalakshmi. The Testator died on 10.11.2011 and his wife Jayalakshmi predeceased him on 04.09.2011

and hence, the Trust became entitled to the suit property. The Will was probated before this Court in O.P.No.158 of 2012 on 06.10.2012.

4. According to the plaintiffs, the suit property has been let out, but no substantial income is received thereon and therefore, in the meeting held on 26.05.2019, the Trustees resolved to sell the suit property and to invest the sale proceeds towards the object of the Trust. The Chartered Engineer M/s.K.M.Dharmaraj and Associates valued the suit property at Rs.2,19,09,000/-. However, pursuant to the negotiations, M/s.Quantron Business Tech Solutions Private Limited had agreed to purchase the property for a sum of Rs.3,15,00,000/- and an agreement of sale was also entered into on 15.07.2019.

5. The second plaintiff was examined as P.W.1 and filed proof affidavit, reiterating the averments contained in the plaint and marked Exs.P1 to P12, viz.,

Exs	Documents	Dated
P1	Certified copy of the Trust Deed of Shivram Trust	07.03.1997
P2	Certified copy of the Registered Sale Deed by the Tamil Nadu Housing Board in favour of Mr.J.B.Balaganesan	15.07.1992

Exs	Documents	Dated
P3	Certified copy of the Registered Will executed by Mr.J.B.Balaganesan	23.08.2006
P4	Computer printout of Death Certificate of Mr.J.Balaganesan	22.11.2011
P5	Computer printout of Death Certificate of Mr.Jayalakshmi	20.09.2011
P6	Xerox copy of the Order in O.P.No.158 of 2012	16.10.2012
P7	Certified copy of the Registered Deed of rectification by Tamil Nadu Housing Board in favour of M/s.Shivram Trust	20.07.2017
P8	Resolution of Trustees of the Shivram Trust	26.05.2019
P9	Original Valuation Report of M/s.K.M.Dharmaraj and Associates	27.05.2019
P10	Original Agreement for sale between plaintiff and M/s.Quantron Business Tech Solutions Private Limited	15.07.2019
P11	Xerox copy of E.C. for the period from 01.01.1987 to 08.01.2017	10.01.2017
P12	Computer printout E.C. for the period from 01.01.2017 to 28.04.2019	07.05.2019

6. One Mr.Sabesan, a Chartered Engineer and a Licenses Surveyor was examined as P.W.2 and he has deposed that the he inspected the suit property on 18.10.2019 and after verifying all the documents, he valued the market value of the land and building at Rs.2,25,28,420/- and filed Ex.P13 valuation report.

7. Intending purchaser viz., Mr.Kannan Manoharan, Director of M/s.Quantron Business Tech Solutions Pvt. Ltd., was examined as P.W.3 and in his evidence, it is stated that he is ready to purchase the suit property for a sum of Rs.3,15,00,000/- as per the agreement of sale, dated 15.07.2019.

8. Considering the averments made in the plaint and the oral and documentary evidence produced by the plaintiff-Trust, P.W.2-Chartered Engineer and P.W.3-Kannan Manoharan, intending purchaser, I am satisfied that the sale of the property will be for the benefit of the Trust. Hence, the suit is decreed as prayed for. No costs.

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Speaking Order / Non Speaking Order

Index : Yes/ No.

Internet : Yes /No.

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K.KALYANASUNDARAM, J.,

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To

The Sub Assistant Registrar,
Original Side,
High Court, Madras.



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