IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	Delivered on
22.04.2019	03.06.2019

CORAM:
The Honourable Mr.Justice M.M.SUNDRESH
and
The Honourable Mr.Justice C.SARAVANAN

Original Side Appeal No.150 of 2017
& C.M.P.Nos.10680, 10681 and 1361 to 1364 of 2017

C.Padmavathi ... Appellant

Vs.

1.K.T.Anbalagan
P.M.M.Nandagopal (deceased)
2.A.Kesavan
3.N.Vijayalakshmi
4.K.Vanithamani
5.R.Saroja
6.Jai Bharath Charitable Trust
rep. by its Chairman
V.Dhandayuthapani
7.V.Dhandayuthapani
A.Jayamohan (deceased)
8.J.Mallikeswari
9.S.Nithiyanandam
10.T.Manoharan
11.C.K.Mani
12.A.N.Sekar ... Respondents

Original Side Appeal are filed under Order XXXVI Rule I of the Original Side Rules read with Clause 15 of the Letters Patent against the judgment and decree dated 27.06.2017 passed in C.S.No.294 of 2003.

C.S.No.294 of 2003:

Civil Suit filed U/S 92(1)(d) and (g) of CPC r/w order VII Rule 1 of CPC and order IV Rule 1 of Original Side Rule, seeking for a Judgment and decree a)for a scheme providing for the better administration of the first defendant trust and its affairs and administration of the educational institutions of the first defendant trust;

b)declaring that the defendants 2 and 3 are disqualified and ineligible to hold the post of Chairman and Managing Trustee respectively of the first defendant trust;

c)removing the defendants 2 and 3 from the trusteeship of first defendant trust;

d)for appointing a committee of management consisting of three life trustees of the first defendant trust, excepting the defendants 2 to 5;

e)for direction for accounts and enquiries into affairs of the trust from the date of establishment of the trust more particularly for the period from 1999 onwards to till the date of filing of suit and for costs;

For Appellant : Mr.K.V.Subramaniam, S.C., for
Mr.V.Veluchamy

For Respondents : Mr.S.Thankasivan for R1 to R5
Mr.Renganatha Reddy
for M/s.King and Patridge for R6
Mr.P.B.Balaji for R7
Mr.A.Jenasenan for R8 and R9
R10- died (memo filed)
Mr.A.E.Ravichandran
for R11 and R12

JUDGMENT

M.M.SUNDRESH,J.

This appeal is preferred against the order of the learned single Judge in his approval of the draft scheme decree after due consultation with the learned Administrator, who was a Judge of this Court having served with the distinction.

2. A Public Charitable Trust under the name and style of Jai Bharath Charitable Trust was established way back in the year 1994 (28.12.1994). The prime object of the Trust is imparting of education through the establishment of institutions. A Supplemental Trust Deed was executed on 31.08.1995, by which, additional Life Trustees were added and inducted to the Trust.

3. A suit was filed in C.S.No.294 of 2003 inter alia making certain allegations of misfeasance and malfeasance by the Managing Trustee and the Chairman of the Trust in collusion with the others. The appellant herein was impleaded as the defendant in the year 2011.

4. The Court appointed an Administrator, who was a retired Judge of this Court. The learned Administrator was replaced by another retired Judge of this Court.

5. The appellant also made certain allegations against the Managing Trustee and others. As of now, the Managing Trustees, who have been arrayed as defendant No.3 and defendant No.6-respondent No.10 are no more.

6. An application was filed in Application No.8150 of 2014 by the plaintiffs seeking certified copies of the statement of the accounts. By a counter affidavit, it was opposed by the appellant through the following statements.

> "4..... There is no reason whatsoever for the plaintiffs to fail to submit the draft scheme decree when there is a direction to that effect and in fact except the plaintiffs and the 2nd defendant the other defendants have already filed draft scheme decree to enable the court to frame a scheme decree.......
> 6........But for reasons stated above, namely that a draft scheme decree has already been directed to be framed and submitted before the Court, it is no longer the requirement for the plaintiffs to apply and get a copy or to have a direction to the Bank to submit a certified copy of the bank account to the court......."

7. Thus, the appellant specifically did not want further trial to go on in view of the earlier order passed by the learned single Judge, which has become final interse parties to proceed with the draft scheme decree, giving them liberty to give their respective suggestions. Accordingly, the appellant has also given her suggestion. The relevant portions are extracted hereunder.

> "(d) The 9th defendant is a person hailing from a respectable family, dedicated to social service and more particularly for providing and imparting education to deserving people in and around the locality where the educational institution is situated at Vaniyambadi. In fact, the husband of the 9th defendant Life Trustee by name Mr.A.Ekambaram, B.Sc., B.L.,

Advocate, High Court, Madras is a retired Scientist of the reputed and well renowned King Institute of Preventive Medicine at Chennai and he had been rendering various assistance on various occasions for the upliftment of the educational institutions running under the control of the 1st defendant Trust by securing an able and efficient Principal by name Prof.Y.G.P.Varma from Chemical Engineering Department of IIT, Chennai, by facilitating the selection process in the educational institutions of the 1st defendant Trust by inviting team of Professors of IIT and Anna University, Chennai and by providing the selection process of by providing guidelines for such selection and method to be adopted by the educational institutions by securing efficient Professors for Science subjects such as Chemistry and Physics, by providing norms and guidelines to be maintained and adopted with the help of Professors from IIT and Anna University, Chennai and by providing opportunities to have corroboration from foreign Universities and by handing the administrative internal works between the educational institutions of the 1st defendant Trust and the Madras University and also Anna University to facilitate the better administration of the educational institutions of the 1st defendant Trust. In fact the above said Mr.A.Ekambaram, B.Sc., B.L., Advocate, High Court, Madras was the de-facto Trustee of the 1st defendant Trust and had been acting and functioning on behalf of the 9th defendant Life Trustee and also assisting the 9th defendant Life trustees as stated above.

(e) The 9th defendant Life Trustee has got rich experience in the matter of financial administration and mob controlling activities as she had been doing various business including the business of running a Transport/Logistic Company. As such the 9th defendant Life Trustee can be appointed and retained as the Life Trustee of the 1st defendant Trust for the better administration of the affairs of the 1st defendant Trust including the administration of the educational institutions in co-ordination and co-operation with other Trustees as per the terms of the Trust deed. As such the 9th defendant is appointed as Life Trustee of th 1st defendant Trust.

(f) The husband of the 9th defendant Mr.A.Ekambaram, B.Sc.,B.L., Advocate, High Court, Madras (retired Scientist, King Institute, Guindy, Chennai) is being appointed as Managing Trustee of the 1st defendant Trust considering his entire involvement for the uplift of the educational institution and he shall be the Managing Trustee of the 1st defendant Trust.

(g) The 8th defendant Life Trustee shall be the Trustee of the 1st defendant Trust and the 7th defendant shall be the Life Trustee of the 1st defendant Trust to act in co-ordination and co-operation with other trustees.

8. Thus, the appellant wanted the induction of her husband. This request was made on 09.11.2014 after the orders passed by the Division Bench taking note of the memo of objection filed by the learned Administrator with specific reference to the appellant and her husband. Suffice it is to place on record the following paragraph of the order passed in O.S.A.Nos.454 and 455 of 2013 dated 19.12.2013 filed against the order passed in A.Nos.2162 and 279 of 2012.

"12. The learned Administrator has clearly stated that it is the appellant's husband, who is behind her. The appellant's husband sought several favours from the learned Administrator who, due to his integrity and uprightness, rejected the same. He tried to induct his own men, interfered with the administration and even attempted to threaten the learned Administrator. A police complaint was given, which was also closed as it was thought not to precipitate the issue any further. The letters sent by the appellant to the learned Administrator are also in bad taste. The appellant's husband also wrote to the Bar Council of Tamil Nadu stating that he has only assisted his wife/appellant. The learned Administrator has observed that except the appellant's husband, no other person had ever approached him for any obligation. The records also would show that the appellant has been taking different stands. At one point, she has appreciated the learned Administrator for the commendable work he has been doing and on the other hand, baseless allegations were made.

13. We are quite aware of the role of the Court in dealing with a suit under Section 92 of the Civil Procedure Code. What is important is the proper administration of the Trust and not

the personal interest of the parties. We do not want to dwell much into the facts involved, as they are very disturbing. Reckless and baseless allegations have been made against the learned Administrator, who does not need any certification for his honesty and integrity from any quarter. There is absolutely no material to substantiate the allegation made against him. It is quite apparent that these allegations are scurrilous, motivated, calculated and deliberated as a design to make the learned Administrator to demit his office.

14. It is very clear that the learned Administrator is the man in-charge. It is he, who runs the Institution. The results achieved amply demonstrate the excellent performance of the learned Administrator. The common memo filed clearly exhibits the extent of transparency involved. Each and every income has been accounted and the transactions have been made through Banks. Periodical reports are also being filed before the Court i.e., once in three months. The Honourable Administrator has made the Trustees to sign for the purpose of transparency and none else. The mere statement made by the learned counsels appearing for the appellant and other respondents supporting the defendants side that either one of them from each side should allow them to sign or both should not sign itself would be sufficient enough to dismiss these appeals, as what is important is the interest of Trust. The learned Administrator does not have any difficulty in running the Trust. We also do not find any thing to disregard the common memo filed by the learned Administrator. The suit has been filed in the year 2003. Instead of co-operating with the learned single Judge and taking steps to expedite the suit, the appellant has come forward to file these applications. The Trust being run efficiently after the taking over of its administration by the learned Administrator, we do not wish to interfere with the same, as such interference in all probability would cause only damage rather than any good. We also do not wish to go much into certain statements made by the learned counsels appearing for the other defendants as their submissions are beyond the scope of these appeals.

> 15. Therefore, considering the abovesaid facts, we do not find no reason to interfere with the orders passed by the learned single Judge. Accordingly, these appeals are dismissed. However, considering the fact that the suit is pending from the year 2003 onwards, we request the learned single Judge dealing with the final hearing of the suits to take up the suit and dispose of the same expeditiously. The parties are also directed to co-operate for the early disposal of the suit. No costs. Consequently, connected miscellaneous petition is also dismissed."

9. The aforesaid paragraphs would clearly show the conduct and intention of the appellant. We do not propose to say anything more on this as the order referred supra speaks for itself. Notwithstanding the same, the appellant gave her draft scheme expressing her intention to bring her husband on board. We may note that in the memo of objection filed in June, 2012 and subsequently on 22.02.2018 the learned Administrator has not only dealt with the allegations made, but made a record of the conduct of the appellant's husband.

10. A draft scheme decree produced by the parties was duly sent to the learned Administrator and on obtaining his views, a scheme decree was accordingly ordered. Challenging the same, the present Original Side Appeal is before us.

11. Though civil miscellaneous petitions have been filed by the appellant, as we are dealing with the appeal, we are not inclined to go into the same.

12. The learned Senior Counsel appearing for the appellant would submit that the appellant was not aware of the suggestions of the learned Administrator. The allegations made by the appellant will have to be seen contextually, though encomiums have been given earlier. Resolving a dispute through the Arbitrator cannot be a substitute to replace the power under Section 92 of the Civil Procedure Code. Admittedly, the Trust is the Public Charitable one. There is no estoppel against statute. As the allegations were not found to be untrue, the learned single Judge ought to have conducted a trial. To buttress his submissions, reliance have been made on the following decisions.

(1) Mahant Banabehari Puri v. Naga Ananda Puri and another (AIR (31) 1994 Patna 115);

(2) Gurunatharudhaswami Guru Shrudhaswami v. Bhimappa Gdharappa Divate and another (AIR (35) 1948 Privy Council 214);

(3) Rajagopal v. Balachandrasn and others (2002 (2) CTC 527);

(4) A.A.Gopalakrishnan v. Cochin Devaswom Board ((2007)7 SCC 482);

(5) R.Venugopala Naidu and others v. Venkatarayulu Naidu Charities and others (1989 Supp (2) SCC 356);

(6) Swami Sankara's v. Mahant Sri Sadguru Sarnanand ((2008) 14 SCC 642);

(7) Appaji Gowda v. Vokkaligara Sangha and others ((2009) 17 SCC 99).

13. The learned counsel appearing for the respondents would submit that the appellant wants to canvass her private interest. She was indeed made a Trustee. The intention is to bring her husband into the fold. The allegations are not substantiated. The findings rendered by the earlier Division Bench would be binding on the appellant. It is the appellant, who contested that there is no need for trial. Thus, she is estopped from contending to the contrary. The learned Administrator has done an excellent job. In fact, for several years, he was only receiving a sum of Rs.25,000/- which was recently increased to Rs.1,00,000/- by the Court on its own. Hence, the same can be increased. The appellant was a fence sitter. She came into picture only in the year 2011. She is blowing hot and cold. Though the power of the Court is wide under Section 92 of the Civil Procedure Code, the facts governing will have to be seen. However, counsels would fairly submit that the clause governing the arbitration may not stand to scrutiny and therefore, appropriate orders may be passed in this regard. The learned counsels sought to support their arguments through the following decisions.

(1) Swami Pramatmanand Saraswati and Another Vs. Ramji Tripathi and Another ((1974) 2 SCC 695);
(2) Vidyodaya Trust Vs. Mohan Prasad R and others ((2008) 4 Supreme Court Cases 115); and
(3) Vidya Drolia and others Vs. Durga Trading Corporation (2019 Supreme Court Cases Online SC 358).

14. DISCUSSION:-

14.1. Admittedly, the suit was filed in the year 2003. Thereafter, the Trust has been in the custody of the Administrator. After the creation, institutions came into being. Thus, one can see that substantially the Trust has been under the management and control of the learned Administrator. The detailed memos filed by the learned Administrator would clearly show the great service rendered by him. In fact, through his toil and hard work, the Trust has been running smoothly having sufficient revenue at its disposal. That is the reason why the appreciation came from the appellant side years ago. The Division Bench took note of the relevant facts including the real intention of the appellant. Perhaps, the appellant would not have filed this appeal if only her husband had been inducted. The proposals given were taken note of by the learned Administrator.

14.2. The appellant for the reasons best known to her did oppose a prayer for a trial on an earlier occasion. We find that the appellant changed the track to make sure that her husband gets entry into the Trust. It is a case of "sour grapes". As noted by the Division Bench referred supra, there is no material to substantiate the allegations made by the appellant. Thus, the learned single Judge rightly felt that there is no need to go through the full fledged trial. The earlier order passed by the learned single Judge in holding that a draft scheme has to be furnished to the parties has become final. A scheme decree cannot be termed as a compromise nor it facilitate any one of the trustees by conferring benefit. There is also no need to furnish the copy of the remarks of the learned Administrator. It is for the appellant to make out the grievance from the point of view of the public interest over the scheme decree. Merely making an allegation per se would not be sufficient to set aside the scheme decree on the premise that a trial should have been conducted notwithstanding the earlier stand that it was not so required. However, we do find that the clause providing an arbitration to resolve the dispute inter se parties or within the Trust cannot be sustained in the eye of law. Admittedly, the Trust is a public and charitable one. Thus, the Court has to act as a parens patriae. Public interest, interest of the Trust and the Trustees are the relevant factors to be taken into consideration by the Court. Such an exercise cannot be relegated to an Arbitrator. An arbitration is between two parties having competing interest. Therefore, the scheme decree passed requires interference. Clause XVI which deals with the arbitration also makes

Mr.Anbazhagan as the sole arbitrator being the Senior Life Trustee, which also cannot be countenanced. He himself being the part of the Board of the Trustees, cannot act as an Arbitrator what if, the allegations are against him? Similarly, there is no need to approach this Court for appointment of Arbitrator after his demise in the event of no consensus among the trustees.

14.3. The learned Senior Counsel has submitted that the other trustees might overwhelm the appellant and therefore, the parity should be maintained. We are not inclined to accept the said submission. It is not the interest of the individual which we are concerned with. If the appellant has got any grievance over the decision of the Board of Trustees, being contrary to the object of the Trust, she can very well approach this Court invoking Section 92 of the Civil Procedure Code.

14.4. In Swami Pramatmanand Saraswati and Another Vs. Ramji Tripathi and Another ((1974) 2 SCC 695), the Apex Court was pleased to hold that jurisdiction of Section 92 of the Civil Procedure Code would come only when the allegations are substantiated. The object of the suit must be towards vindicating the rights of the public. The following paragraphs are apposite.

> 10.A suit under s. 92 is a suit of a special nature which presupposes the existence of a public trust of a religious or charitable character. Such a suit can proceed only on the allegation that there was a breach of such trust or that the direction of the Court is necessary for the administration of the trust and the plaintiff must pray for one or more of the reliefs that are mentioned in the section. It is, therefore, clear that if the allegation of breach of trust is not substantiated cr that the plaintiff had not made out a case for any direction by the Court for proper administration of the trust, the very foundation of a suit under the section would fail, and, oven if all the other ingredients of a suit under s. 92 are made out, if it is clear that the plaintiffs are not suing to vindicate the right of the public but are seeking a declaration of their individual or personal rights or the individual or personal rights of any other person or persons in whom they are interested, then the suit would be outside the scope of S. 92 see Shamukhan v. Govinda (1) Tirumalai Devasthanams v. Krishnayya(2). Sugra Bibi v. Hazi Kummu Mia (3) and Mulla : Civil Procedure Code (13th ed.),

Voll. 1, p. 4001. A suit whose primary object or purpose is to remedy the infringement of an individual right or to vindicate a private right does not fall under the section. It is not every suit claiming the reliefs specified in the section that can be brought under the section but only the suits which, besides claiming any of the reliefs are brought by individuals as representatives of the public for vindication of public rights; and in deciding whether a suit falls within s. 92, the Court must go beyond the reliefs and have regard to the capacity in which the plaintiffs are suing and to the purpose for which the suit was brought. This is the reason why trustees of public trust of a religious nature arc precluded from suing under the section to vindicate their individual or personal rights. It is quite immaterial whether the, trustees pray for declaration of their personal rights or deny the personal rights of one or more defendants. When the right to the office of a trustee is asserted or denied and relief asked for on that basis, the suit falls outside s. 92.

11.We see no reason why the same principle should not apply, if what the plaintiffs seek to vindicate here is the individual or personal right of Krishnabodhashram to be installed as Shankaracharya of the Math. Where two or more persons interested in a trust bring a suit purporting to be under s. 92, the question whether the suit is to vindicate the personal or individual right of a third person or to assert the right of the public must be decided after taking into account the dominant purpose of the suit in the light of the allegations in the plaint. If, 'on. the allegations in the plaint, it is clear that the purpose of the suit was, to vindicate the individual-right of Krishnabodhashram to be the Shankaracharya, there is no reason to hold that the suit was brought to uphold the right of the beneficiaries of the trusts, merely because the suit was filed by two or more members of the public after obtaining the sanction of the Advocate General and claiming one or more of the reliefs specified in the section. There is no reason to think that whenever a suit is brought by two or more persons under s. 92, the suit is to vindicate the right of the public. As we said, it is the object or the purpose of the suit and not the reliefs that should decide whether it is, care for vindicating the right of the public or the individual right of the plaintiffs or third persons.

14.5. In Vidyoyadaya Trust Vs. Mohan Prasad R and Others ((2008) 4 SCC 115), once again the object and scope of Section 92 of the Civil Procedure Code has been dealt with by the Apex Court through the following paragraphs.

> 18. Prior to legislative change made by the Code of Civil Procedure (Amendment) Act, 104 of 1976 the expression used was "consent in writing of the Advocate-General". This expression has been substituted by the words "leave of the Court". Sub-Section (3) has also been inserted by the Amendment Act. The object of Section 92 CPC is to protect the public trust of a charitable and religious nature from being subjected to harassment by suits filed against them. Public trusts for charitable and religious purpose are run for the benefit of the public. No individual should take benefit from them. If the persons in management of the trusts are subjected to multiplicity of legal proceedings, funds which are to be used for charitable or religious purposes would be wasted on litigation. The harassment might dissuade respectable and honest people from becoming trustees of pubic trusts. Thus, there is need for scrutiny.
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> 19.In the suit against public trusts, if on analysis of the averments contained in the plaint it transpires that the primary object behind the suit was the vindication of individual or personal rights of some persons an action under the provision does not lie. As noted in Swami Parmatmanand's case (supra) a suit under Section 92 CPC is a suit of special nature, which pre- supposes the existence of a public trust of religious or charitable character. When the plaintiffs do not sue to vindicate the right of the public but seek a declaration of their individual or personal rights or the individual or personal rights of

any other persons or persons in whom they are interested, Section 92 has no application.

20. In Swamy Parmatmanand's case (supra) it was held that it is only the allegations in the plaint that should be looked into in the first instance to see whether the suit falls within the ambit of Section 92. But if after evidence is taken it is found that the breach of trust alleged has not been made out and that the prayer for direction of the Court is vague and is not based on any solid foundation in fact or reason but is made only with a view to bringing the suit under the Section then suit purporting to be brought under Section 92 must be dismissed.

21. In Chettiar's case (supra) it was held that normally notice should be given before deciding the question as to whether leave is to be granted.

22. If in a given case notice has not been given and leave has been granted, it is open to the Court to deal with an application for revocation and pass necessary orders.

23. One of the factual aspects which needs to be highlighted is that the allegations which have been made against respondents 2, 3 and 10 are referable to a decision taken by the Board, though may be by majority. The fundamental question that arises is whether allegations against three of them would be sufficient to taint the Board's decision. As was observed by this Court in Swamy Parmatmanand's case, (supra) to gauge whether the suit was for vindicating public rights, the Court has to go beyond the relief and to focus on the purpose for which the suit is filed. To put it differently, it is the object or the purpose for filing the suit and not essentially the relief which is of paramount importance. There cannot be any hard and fast rule to find out whether the real purpose of the suit was vindicating public right or the object was vindication of some personal rights. For this

purpose the focus has to be on personal grievances.

24. On a close reading of the plaint averments, it is clear that though the color of legitimacy was sought to be given by projecting as if the suit was for vindicating public rights the emphasis was on certain purely private and personal disputes.

25. In Sugra Bibi v. Hazi Kummu Mia (AIR 1969 SC 884) it was held that the mere fact that the suit relates to public trust of religious or charitable nature and the reliefs claimed fall within some of the clauses of sub-Section (1) of Section 92 would not by itself attract the operation of the Section, unless the suit is of a representative character instituted in the interest of the public and not merely for vindication or the individual or personal rights of the plaintiffs.

26. To put it differently, it is not every suit claiming reliefs specified in Section 92 that can be brought under the Section; but only the suits which besides claiming any of the reliefs are brought by individuals as representatives of the public for vindication of public rights. As a decisive factor the Court has to go beyond the relief and have regard to the capacity in which the plaintiff has sued and the purpose for which the suit was brought. The Courts have to be careful to eliminate the possibility of a suit being laid against public trusts under Section 92 by persons whose activities were not for protection of the interests of the public trusts. In that view of the matter the High Court was certainly wrong in holding that the grant of leave was legal and proper. The impugned order of the High Court is set aside. The appeal is allowed but without any order as to costs.

14.6. In a recent pronouncement, the Apex Court in Vidya Drolia and others Vs. Durga Trading Corporation (2019 Supreme Court Cases Online SC 358) held that even under the Indian Trusts Act, 1882, a dispute arising thereunder involving a Trust cannot be a subject matter of arbitration. The following are the relevant paragraphs.

> "32. The Indian Trusts Act, 1882, in fact, provides an excellent instance of how arbitration is excluded by necessary implication. It is important to bear in mind the fact that the statute, considered as whole, must lead necessarily to a conclusion that the disputes which arise under it cannot be the subject matter of arbitration."

14.7. Though the learned Senior Counsel appearing for the appellant made reliance upon the number of decisions, we are of the view that they do not have any application to the case on hand. In Mahant Banabehari Puri Vs. Naga Ananda Puri and another (AIR (31) 1944 Parna 115) the issue involves

a compromise made between the parties conferring certain benefits to the plaintiffs. Therefore, the Court felt that such a compromise cannot be permitted in the eye of law.

14.8. In Rajagopal Vs. Balachandran and two others (2002 (2) CTC 527) the learned single Judge of this Court has held that the power of Scheme Court is much wider to be exercised in implementing the object of the Trust. We do not have any difficulty over the said statement of law.

14.9. The other judgments relied upon as we indicated earlier would not help the case of the appellant, though we appreciate the statement of law expressed thereunder.

14.10. Taking note of the submissions of the learned counsels for the respondents to increase the remuneration of the learned Administrator to Rs.2,00,000/- (Rupees two lakhs only) and considering the excellent work done by him, which is not seriously opposed, we direct a further lump sum amount of Rs.10,00,000/- (Rupees ten lakhs only) to be paid to him, by taking note facts governing, within a period of four weeks from the date of receipt of a copy of this order.

15. In the result, the Original Side Appeal stands allowed insofar as the Clause XVI of the Scheme decree is concerned, which provides for arbitration. Thus, the said Clause alone is set aside. Insofar as the other Clauses, the appeal stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed. We also make it clear that it is well open to the interested persons to approach this Court by invoking Section 92 of the Civil Procedure Code in a given case.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

raa

To

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

Copy to

The Hon'ble Mr.Justice R.Rengasamy (Retd)
High Court, Madras
The Administrator,
Residing at door No.20. Plot No.980,
Dr.Lakshmanaswamy Road,
K.K.Nagar, Chennai-75.

+1cc to M/S.King & Partridge, Advocate sr.44582
+1cc to Mr.A.E.Ravichandran, Advocate Sr.44584
+1cc to M/S.P.B.Ramanujam, Advocate Sr.44668
+1cc to Mr.S.Thankasivan, Advocate Sr.44684
+1cc to M/S.A.Jenasenan, Advocate Sr.44791

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srg 10/07/2019