

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

C.R.P.No.750 of 2020
and
C.M.P.Nos.4017 & 4018 of 2020

S.D.Premchand

.. Petitioner/Petitioner

Vs.

K.V.Kupusamy (died)

1. M.Elumalai

2.Amirthavalli Ammal

.. Respondents/ Trustees

(Cause title accepted vide order made in C.M.P.Nos.3424/2020
in CRP.SR. 17585/2020)

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India seeking a direction to the learned District Judge, Chengalpattu to number and dispose of the I.A.Sr.No.679 of 2020 in I.A.No.210 of 2005 in O.S.No.1 of 1953, pending on its file within a time frame.

For Petitioner : Mr.Ma.Gouthaman

O R D E R

Present revision has been filed against returning of the petitioner's application to relax the upper age limit in the scheme decree dated 17.04.1957, so as to enable the petitioner to get appointed as a Trustee in the Janakiraman Panthalu Trust, a Public Charitable Trust at Madurantakam.

2. The grievance of the petitioner is that, earlier he filed an application to appoint him as one of the Trustees in the said Trust and that the said application has been kept pending for several years and no orders have been passed. As per the Scheme Decree dated 17.04.1957, the eligible age limit for appointment as a Trustee is between 25 years and 65 years of age. According to the petitioner, now he is nearing 65 years and that the application filed for appointing him as a Trustee is pending for a long time. In the above circumstances, he had filed the present application to relax the age limit for appointment of Trustee and that application has been returned by the Court below stating that as per the Scheme Decree no relaxation of age is possible and the present application is not maintainable.

Against the returning of his application by the Court below, the petitioner has filed the present revision.

3. I have heard the learned counsel appearing for the petitioner and also perused the records carefully.

4. If at all the petitioner has any grievance with regard to the upper age limit fixed in the scheme decree, he has to approach the Scheme Court to modify the scheme decree in respect of the upper age limit. Without any modification being made in the scheme decree, the petitioner cannot maintain the present application to relax the age limit and appoint him as a Trustee. The Court below has rightly returned the said application as not maintainable. I do not find any illegality or irregularity in the same. There is no merit in the revision and the same is liable to be dismissed and accordingly dismissed.

5. However, it is always open for the petitioner to file necessary application before the Scheme Court seeking modification in the scheme decree, if he is so advised. No costs. Consequently, the connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

kk
To

The District Judge,
Chengalpattu.

+1 CC to Mr.Ma.Gouthaman, Advocate sr 15039.

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SR(CO)
SP(27/02/2020)