A.No.2401 of 2020
in
C.S.SR.No.58653 of 2020

N.SATHISH KUMAR,J

Instant application has been filed to grant leave under Section 92 of CPC to institute the suit.

2. First respondent Trust is a public trust, constituted on 28/11/1941.

3. The learned counsel appearing for the applicants submitted that the respondents had misused the trust and there was a breach of trust, at many instances, which are contrary to the object of the trust. In fact, one late Mari Chettiar along with respondent Nos.2 to 10, created a document, viz., Deed of Declaration of Trust, dated 4/10/2008, in the Office of the Sub-Registrar, Periamet. Object of the first respondent Trust under Deed of Declaration dated 4/10/2008 is entirely different and contrary to the original Deed of Partnership dated 28/11/1941. In such a view of the fact immediately after the death of

one of the founders, respondents stated to have created a document which was held to be not valid by the Hon'ble Supreme Court.

4. The learned counsel appearing for the appellants would further submit that property has been leased out and given to the sister concern for a very low rent, which is in fact detriment to the interest of the Trust. Conduct of the parties in the name of the trustee dealing with properties also diminish the value. Therefore, Scheme has to be framed for better appreciation of the trust.

5. Having regard to the nature of the allegations found in the plaint particularly document of the year 2008 said to have been come into existence based on the trust deed dated 1/7/1944. The above document is not approved by the Supreme Court in earlier litigations reported in ***(1998) 5 SCC – 588 (SRI AGASTYAR TRUST MADRAS Vs. COMMISSIONER OF INCOME TAX, MADRAS)*** and also having regard to the various allegations, viz., mismanagement and breach of trust, leave is granted to institute a suit for framing the issue.

6. Accordingly, leave is granted and instant application is allowed.

13/10/2020

mvs.

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