

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 17TH DAY OF DECEMBER 2020

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A.No.3111 of 2020

in

O.P. No.544 of 2008

In the matter of Indian Trust Act
1882 and

In the matter of Pavalai
Kalyanasundara Mudaliar Trust.

1. M/S PAVALAI KALYANANSUNDARA MUDALIAR TRUST,
Rep.by its Managing Trustee
Mr.G.Nehruji,
No.20/70, Apparsamy Koil Street,
Tiruvottiyur,
Chennai-600 019,

2. Mr.G.Nehruji,
S/o.Late D.Govindasamy Mudaliar,
Managing Trustee of
Pavalai Kalyanasundara Mudaliar Trust,
No.20/70, Apparsamy Koil Street,
Tiruvottiyur,
Chennai-600 019

3. Mrs.B.Chandrakala,
No.20/70, Apparsamy Koil Street,
Tiruvottiyur,
Chennai-600 019

..Petitioners

A.No.3111 of 2020:

1. M/S PAVALAI KALYANASUNDARA MUDALIAR TRUST,
Represented by its Managing Trustee
Mr.G.Nehruji,

2. G.Nehruji,
S/o.Late D.Govindasamy Mudaliar,
Managing Trustee of
Pavalai Kalyanasundara Mudaliar Trust,

3. B.Chandrakala,

All the above are residing at
No.20/70, Apparsamy Koil Street,
Tiruvottiyur, Chennai-600 019

..Applicant/Petitioners

Application praying that this Hon'ble Court be pleased to pass an order to permit the petitioners to amend the prayer in Affidavit and Petition and amend the renewed FD Receipt details that is "FD Receipt No.0373764 dated 19/06/2014, FD Receipt No.0374630 dated 01/10/2014 and FD Receipt No.0374945 dated 04/11/2014" instead of the FD Receipt No.0519827 dated 09/05/2009, FD Receipt No.0520910 dated 16/09/2009 and FD Receipt No.0521260 dated 04/11/2009 and thereby to make necessary amendment in the final order passed in A.No.2225/2020 dated 29/09/2020 by this Hon'ble Court.

This application coming on this day before this court for hearing,

the court made the following order:

Instant application has been filed to permit the petitioners to amend the prayer in affidavit and petition and amend the renewed FD receipt details, i.e., “FD Receipt No.0373764 dated 19/6/2014, F.D.Receipt No.0374630 dated 1/10/2014 and FD Receipt No.0374945 dated 4/11/2014 instead of FD Receipt No.0519827 dated 9/5/2009, FD Receipt No.0520910 dated 16/9/2009 and FD Receipt No.0521260 dated 4/11/2009 and thereby to make necessary amendment in the final order passed in Application No.2225 of 2020 dated 29/9/2020.

2. By an order dated 29/9/2020, this Court has permitted the applicants/petitioners to collect two fixed deposits, viz., 0519827 and 0520910, dated 9/5/2009 and 16/9/2009, respectively, issued by Indian Bank, Head Office, Chennai, each for a sum of Rs.20,00,000/-, from the Registry of this Court.

3. Heard Mr.T.Mohan, learned counsel for the applicants.

4. Learned counsel appearing for the applicants submitted that as the new deposit receipts are available, bearing Nos.0373764 and 0374630, dated 19/6/2014 and 1/10/2014, respectively, at Indian Bank, Mylapore Branch, Chennai, it is very difficult for the applicants to receive

payment from the Court. Hence prayed for amendment.

5. Considering the fact that amendment is required only to give the correct numbers of fixed deposit receipts, this Court is inclined to allow the same.

6. Accordingly, instant application is allowed as prayed for.

Sd/.N.S.K.J.
17.12.2020

//Certified to be a true copy//

Dated this the th day of 2020.

SU/21.12.2020

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.

सत्यमेव जयते

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