

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 844 of 2018

1. Seth Kirodimal Dharmada Trust Raigarh, registered office Sadar Bajar Raigarh Chhattisgarh through its Chairman Ramesh Kumar Moda S/o Purushottam Das Moda, Aged About 62 Years, R/o Sadar Bajar Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
2. Ramesh Kumar Moda S/o Late Purushottam Das Moda, Aged About 62 Years, President Seth Kirodimal Dharmada Trust Raigarh, R/o Sadar Bajar Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
3. Smt. Uma Devi W/o Ramesh Kumar Moda, Aged About 55 Years, Occupation House Work, R/o Sadar Bajar Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
4. Rajesh Kumar Moda S/o Ramesh Kumar Moda, Aged About 40 Years, Occupation Business, R/o Sadar Bajar Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
5. Manish Kumar Singhaniya S/o Mahendra Kumar Singhaniya, Aged About 35 Years, Occupation Business, R/o 268/10 G.T. Road South Narayani Complex Lilua, Hawra West Bengal through power of attorney holder Vinod Kumar Sharma S/o Dhanraj Sharma, Aged About 45 Years, Occupation Service, Seth Kirodimal Dharmada Trust Office Raigarh Chhattisgarh (Now Manish Kumar Singhaniya files power himself), District : Raigarh, Chhattisgarh (**defendants no. 1 to 5**)

---- Petitioners

Versus

- Kalicharan Keshan S/o Late Madan Lal Keshan, Aged About 85 Years, Occupation Social Worker and Trustee Seth Kirodimal Dharmada Trust Raigarh, R/o Kirodimal Bagichi, Hansi Chowk, Bhiwani, Haryana., District : Bhiwani, Haryana (**Plaintiff**)

----Respondent

For Petitioners – Shri Rakesh Pandey, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-07-2021

Heard.

1. It is submitted by learned counsel for the petitioners that respondent Kalicharan Keshan has expired on 07-11-2020. Respondent Kalicharan Keshan had filed a civil suit which is registered as Civil Suit No.131A/2010 seeking relief against his termination of his trusteeship from the petitioners trust. This petition was filed being aggrieved by the order dated 11-09-2018 by which the applications under Section 151 of the CPC and under Order 26 Rule 4 read with Section 151 of the CPC along with Section 137 of the Evidence Act

was dismissed.

2. It is submitted that the suit filed by the respondent was to protect his interest in the trust in capacity of a trustee. The trusteeship cannot be inherited by the legal representatives of the respondent, therefore, in a way, that suit has become infructuous and similarly, the present petition has also become infructuous.

3. Taking into consideration the present development of things and finding that because of the death of the respondent, question of his individual entitlement of being a trustee now cannot be determined because of his death. Hence, for these reasons, no fruitful purpose would be served if this petition is continued. Hence, this petition is dismissed for the reason that it has become infructuous.

4. The petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge