

O.P.No.463 of 2021**V.PARTHIBAN.,J.**

Seeking permission to sell the property in Mulla Street and Vinayagamesthri Street and Agricultural land measuring an extent of 4.20 acres at a fair market price, the present Original Petition has been filed under Section 34 of the Indian Trusts Act, 1882.

2.It is the case of the petitioner that the first petitioner Trust was incorporated by his Will dated 21.05.1952. The petitioner trust owned two properties in Chennai which are situated in Mulla Street and Vinayagamesthri street and Agricultural land measuring to an extent of 4.20 Acres situated at Lattur Village, Chengelpet District which is more fully described in the suit schedule property. The petitioner further states that the persons who belonged to the same village tried to encroach the property. Since the property situated at Chennai is in dilapidated condition and unworthy to repair it and the other property is an agricultural property and the trustees were not in a position to carry on cultivation, therefore the erstwhile Trustees decided to sell those properties and deposit the sale proceeds in a Bank and the interest arising out of the deposit to be utilized for the objects of the trust and to that effect a resolution dated 26.12.2020 has also been passed. Hence, the petitioner Trust has filed this Original Petition.

3.Mr.C.G.Rajendran, the Managing Director of the Trustee examined himself as P.W.1 and marked the following documents viz., Exs.P1 to P6:

Ex.P1 is the original certified copy of the Letters of Administration dated 06.07.1953.

Ex.P2 is the photocopy of the order dated 12.01.1996 passed by this Court in O.P.No.902 of 1995.

E.P3 is the photocopy of the order dated 10.03.2000 passed by this Court in O.P.No.902 of 1995.

Ex.P4 is the photocopy of the resolution dated 26.12.2020 .

Ex.P5 is a copy of paper publication effected in one issue of English daily 'Southern Mail' dated 24.08.2021.

Ex.P6 is a copy of paper publication effected in one issue of Tamil daily 'Dina Thanthi' dated 25.08.2021.

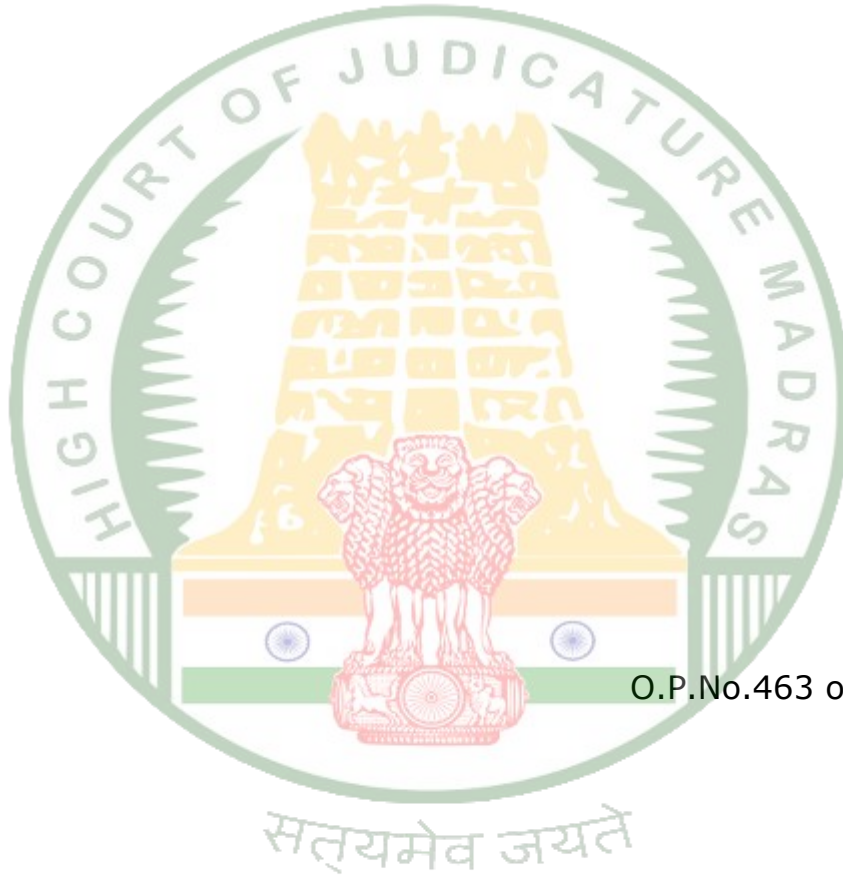
4.Considering the above, this Court is inclined to allow this petition. Accordingly, the Original Petition is allowed and the petitioner Trust is allowed to sell the suit schedule property at a fair market price and deposit the sale proceeds in a Bank and utilise the interest for the objects of the Trust.

06.10.2021

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V.PARTHIBAN, J.

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