

**A.No.1936 of 2021 in**  
**C.S. DR.No.42796 of 2021**

**V.PARTHIBAN,J.**

When the matter is listed today, despite notice served on the respondents, no appearance on behalf of the respondents.

2. The applicants are the plaintiffs in the suit. The suit was filed for declaration, declaring the removal of the third respondent/defendant from the office of the Managing Trustee and consequential injunction restraining the third respondent/defendant from interfering with the management of the first respondent/defendant Trust and other consequential reliefs.

3. The first respondent is a Public Trust was created under the Deed of Declaration of Trust dated 07.03.1961, registered as Document No.1100 of 1961. The Trust was created for Religious and Charitable purpose as set out in detail under the parent Trust Deed dated 16.03.1961. Subsequently, another Deed of Declaration of Trust dated 24.10.1964 was created and was also registered, in order to empower the trustees to bring the assets to meet the objects of the trust as well as the management of the combined trust. Thereafter, yet another Trust was created on 01.09.1965, which was also duly registered.

4. The first applicant herein is the son of one of the founder trustees and the second applicant is genuinely interested in the welfare of the Trust being a business man associated with the Trust.

5. According to the applicants, the third respondent who is acting as a Managing Trustee of the Trust, has been mismanaging and misappropriating the Trust funds and properties, contrary to the objects of the Trust. According to the applicants, the third respondent, taking advantage of the old age and senility of the second respondent, has been committing fraud and acting constantly against the interest of the Trust without taking into confidence of the other trustees and the interested persons.

6. According to the applicants, there has been total mismanagement of the properties held by the Trust and according to the first applicant, he is entitled to be inducted as a trustee as per the Trust Deed, following the demise of his elder brother late Krishnadas Purushothamdas.

7. The applicants apprehend that if the activities of the third respondent are not reigned in, the entire management of the Trust would be in peril and the founding of the Trust by the forefathers of the first applicant would be rendered futile.

8. In the said circumstances, the applicants are constrained to approach this Court in order to save the Trust from the same being mismanaged and being used for serving the personal ends of the third respondent. Under these circumstances, the suit has been laid.

9. As the applicants herein are directly interested in the welfare of the Trust, they have now filed the present application seeking leave of this Court.

10. In considering the above averments as contained in the affidavit filed in support of this application which unequivocally disclose that the first applicant is directly interested in the welfare of the Trust as being one of the legal heirs of the founder trustee and also entitled to be a inducted as a Trustee and the second applicant is being associated with the Trust activities for quiet a long time, leave as prayed for by the applicants is to be granted.

11. Accordingly, this application stands ordered.

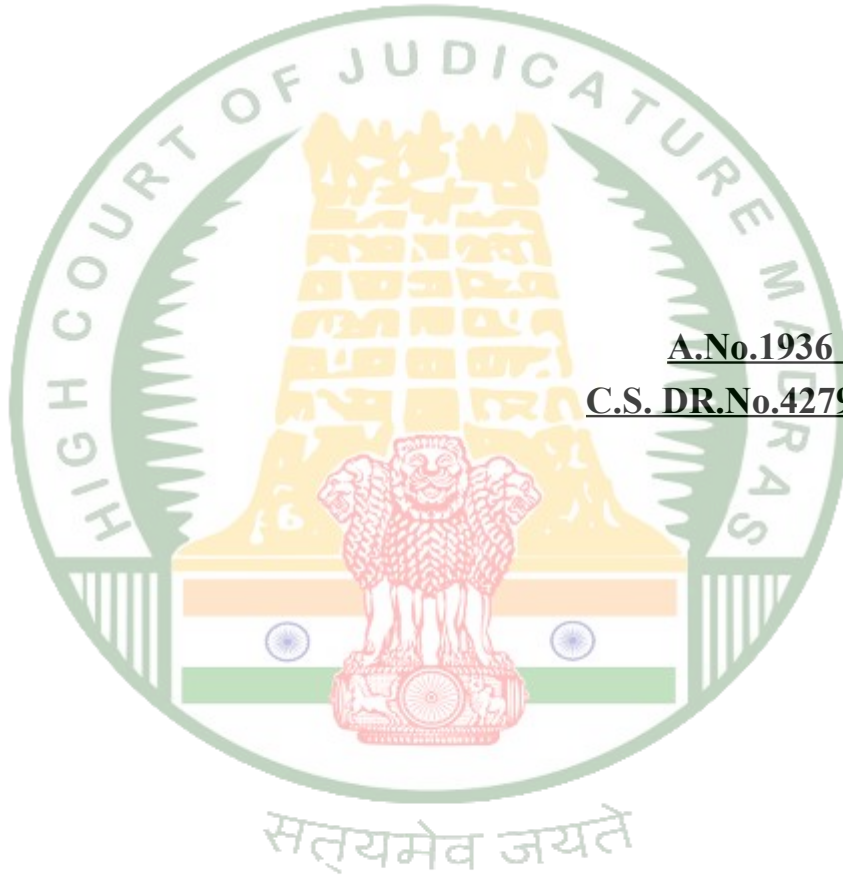
12. Registry is directed to number the suit and post it for hearing.

**21.06.2021**

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