

O.P.No.506 of 2020**V.PARTHIBAN.,J.**

Seeking permission to sell the property on behalf of the trust bearing Old Door No.B1, measuring plinth area of 3769 Sq.Ft. in the property situated at Municipal door No.10A, New No.10, Casa Major Road, Egmore, Chennai – 600 008, more clearly described in the Schedule hereunder and to execute and register a proper sale deed on behalf of the petitioner, in favour of the respondent herein for a sum of Rs.1,95,09,310/- subject to such terms and conditions as may be imposed in this regard for sale of the said property, the present Original Petition has been filed under Section 34 of the Indian Trusts Act.

2.It is the case of the petitioner that by a Trust Deed dated 22.11.1983 the petitioner/Trust was created by Mrs.Rasheeda and first Board of Trustees were Mr.S.Abdul Rasheeda and Mrs.Sayeeda Rasheed. Mr.S.Abdul Rasheeda died on 25.07.2020 and the petitioner trust was reconstituted under a Resolution dated 10.09.2020 as follows; (i)S.R.Suhail S/o.Late S.Abdul Rasheed (50%) and (ii) S.R.Rumman, S/o.Late S.Abdul Rasheed (50%). Since the petitioners are residents of Bangalore, it has become very difficult for them to

maintain the said property and it was resolved to sell the property. Therefore, by a resolution dated 11.09.2020 the petitioner/Trust resolved to sell the property to Mr.K.Ramesh Babu and Mr.Vara Ramesh the respondents herein for a sum of Rs.1,95,09,310/-.

3.Mr.S.R.Rumman, one of the Trustees of the petitioner Trust examined himself as P.W.1 and marked the following documents viz., Exs.P1 to P9:

Ex.P1 is the photo copy of the Trust deed dated 22.11.1983.

Ex.P2 is the photo copy of the Sale deed dated 30.12.1983, registered as Doc.No.21 of 1984 at SRO, Periyampet.

Ex.P3 is the photocopy of the Sale deed dated 30.12.1983, registered as Doc.No.22 of 1984 at SRO, Periyampet.

Ex.P4 is the photocopy of the extract of the Construction Agreement dated 30.12.1983.

Ex.P5 is the photocopy of the another Construction Agreement dated 30.12.1983.

Ex.P6 is the photocopy of the resolution passed by the petitioner Trust for reconstitution dated 01.04.2003.

Ex.P7 is the photocopy of the death certificate of S.Abdul Rasheed, who died on 25.07.2020.

Ex.P8 is the photocopy of the Resolution passed by the petitioner Trust for reconstitution dated 10.09.2020.

Ex.P9 is a photocopy of the Resolution passed by the petitioner Trust for sale of schedule property dated 18.09.2020.

4.Learned counsel appearing for the petitioner submits that the property which is sought to be sold has been situated at Chennai and the petitioners are the residents of Bangalore. Since, the beneficiaries are finding it difficult to maintain the property, they have resolved to sell it. Now there is a prospective buyer for a sum of Rs.1,95,09,310/-.

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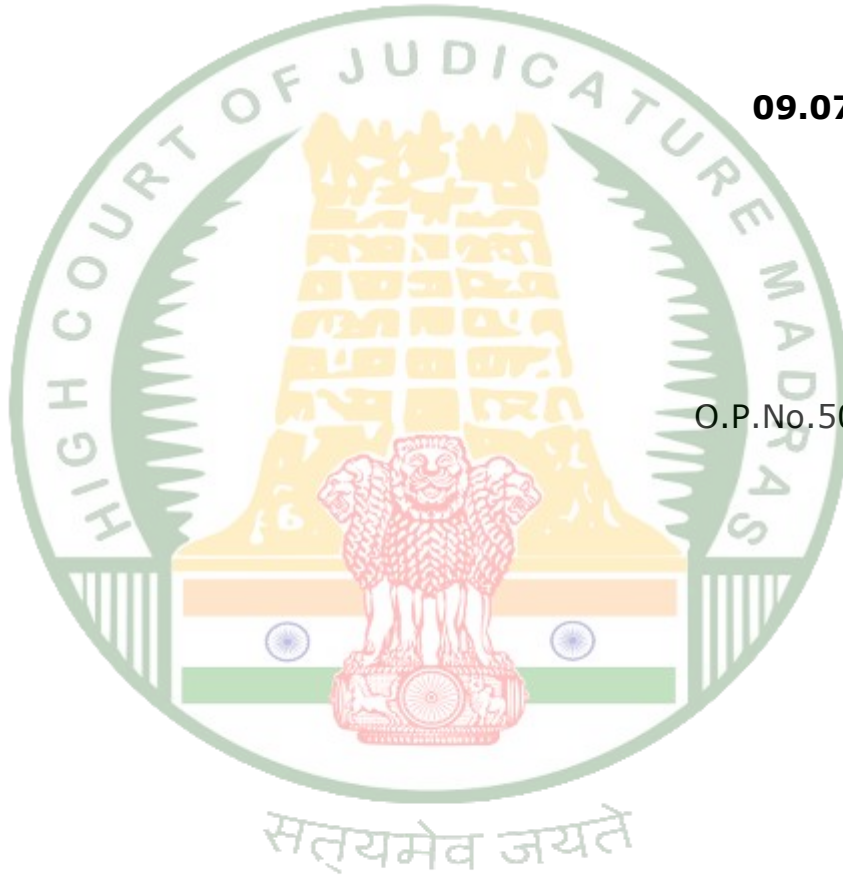
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5.Considering the above circumstances, this Court is inclined to allow this petition.

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09.07.2021

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