

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.No.3164 of 2014

A.Sundaramurthi

..Petitioner

Vs.

1.P.N.Appar Mudaliar

2.A.Pazhani

3.Arumugam

4.Sri Hayagreevar Educational Trust,

No.12, Reddiar Colony,

Kurinjipadi,

Cuddalore District

5.K.P.Arumugam

6.Vasugi

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India praying to allow the above Civil Revision Petition by setting aside the fair and final order dated 13.12.2013 in IA.No.373 of 2013 in Un-Numbered O.S.No. Of 2013 on the file of the Principal District Judge, Cuddalore District, Cuddalore

For Petitioner : Mr.S.Kingston Jerold

For Respondents

For R1 & 2 : M/s.R.Meenal

R3 to R6 : Notice served

ORDER

This Civil Revision Petition is directed as against the fair and decretal order passed in IA.No.373 of 2013 in Un-Numbered O.S.No. Of 2013 on the file of the Principal District Judge, Cuddalore District, Cuddalore thereby allowing the petition filed by the respondent herein under Section 92 of C.P.C.

2. The learned counsel for the respondents 1 and 2 submitted that after allowing the application filed by the respondent under Section 92 C.P.C., the suit has been numbered as OS.No.16 of 2014 on the file of the Principal District Judge, Cuddalore District, Cuddalore. One of the defendants also filed written statement and it is pending for filing of others' written statements.

3. The document No.1 established that the trust was formed by the trust and trusteeship for only object to the formation of School Educational Trust. When the trust was formed for public interest and subject matter of the suit property is public interest and any one of the parties are acted against the interest of the trust property at the time only the parties are to invoke Section 92 CPC. The respondent rightly filed application under Section 92 CPC and the trial court rightly

allowed the petition. That apart, the petitioner acted against the object of the trust and he sold the property without passing any resolution in the trust. Based on the said allegation, the respondent filed suit and also filed application under Section 92 CPC. Therefore, the trial court rightly opined that the respondent's contention is sustainable one to seeking prior permission is necessary to file the suit, because the subject matter of the suit property comes under the trust. Therefore, this Court does not find any infirmity or illegality in the order passed by the court below. That apart, now the suit has been numbered and the pleadings are about to be completed to ripe up for trial.

4. Accordingly, this Civil Revision Petition is dismissed. No order as to costs.

04.01.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

lok

WEB COPY

G.K.ILANTHIRAIYAN,J.

lok

To

The Principal District Judge,
Cuddalore District, Cuddalore



CRP.PD.No.3164 of 2014

WEB COPY

04.01.2021