

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 8th DAY OF MARCH 2021

THE HON'BLE MR. JUSTICE R.PONGIAPPAN

C.S.No.908 OF 2017
and
A.Nos.1718 of 2020,
A.Nos.2233, 2234 and 5934 of 2019,
A.No.2012 of 2020

C.S.No.908 of 2017:

1. Ms.Jeppiaar Sheela
D/o. (Late) Dr.Jeppiaar,
No.3/171A, Hebron Prayer House,
Kazhipatur Joint Road,
Kazhipatur, Chennai 603 103,
Kancheepuram District.

2. A.Karol UdayaBaskar
S/o. S.Arone,
No.12B, Rajammal Street,
Shenoy Nagar, Chennai – 600 030.

3. Nisha Mol Bronson,
W/o. Bronson,
48/43, Kasi Garden, 2nd Street,
Royapuram, Chennai – 13.

: Applicants/Plaintiffs

-Vs.-

1. Jeppiaar Educational Trust
Rep.by Managing Trustee
Old No.12, New No.29,
Ganapathi Street, Royapettah
Chennai – 600 014.

2. Sathyabama Educational Trust
Rep.by Managing Trustee
Sathyabama University Campus,
Jeppiaar Nagar, Rajiv Gandhi Salai,
Chemmancherry, Chennai – 600 119.

3. Mrs.RemibaiJeppiaar
Old No.12, New No.29,
Ganapathi Street, Royapettah,
Chennai – 600 014.

Communication Address:
Sathyabama University Campus
Jeppiaar Nagar, Rajiv Gandhi Salai,
Chemmancherry, Chennai 600 119.

4. Mrs.VijayaRajeswari
No.23, Railway Colony,
2nd Street, Nelson Manickam Road,
Choolaimedu, Chennai – 600 029.

5. Dr.Chinnadurai
No.23, Railway Colony,
2nd Street, Nelson Manickam Road,
Choolaimedu, Chennai – 600 029.

6. Dr.BabuManoharan
No.52C, Rajiv Gandhi Salai (OMR)
Sholinganallur
Chennai – 600 119.

7. Mrs.Regeena
W/o. Murali.S
Jeppiaar Engineering College,
Jeppiaar Nagar, Rajiv Gandhi Salai,
Chemmancherry, Chennai – 600 119.

8. Dr.Mariazeena Johnson
No.11, Ganesh Nagar,
1st Street, Sholinganallur,
Chennai – 600 119.

9. Mr.Marie Johnson
No.11, Ganesh Nagar,
1st Street, Sholinganallur,
Chennai – 600 119.

10. Mr.Murali S
Jeppiaar Engineering College
Jeppiaar Nagar, Rajiv Gandhi Salai,
Chemmancherry, Chennai 600 119.

11. Ms.Jessie Priya,
No.52C, Rajiv Gandhi Salai (OMR),
Sholinganallur, Chennai – 600 119. .. Respondents/Defendants

C.S.No.908 of 2017:-

Civil Suit praying that this Hon'ble Court be pleased to pass a
Judgment & Decree:

a) To formulate a Scheme whereby the institutions & Properties of the
1st and 2nd Defendant Trusts are maintained and carried on in accordance
with the objects and the Clauses of the Deed of Trust and the Supplemental
Trust Deeds executed by the Founder Trustee.

b) Directing the removal of the 8th, 9th and 10th Defendants as Trustees
of the 1st and 2nd Defendant Trust on the ground of breach of trust and fraud
committed by them in conducting the affairs of the Trust.

c) Declare that the Resolution dated 24.06.2016 and the corresponding
Supplemental Trust Deed dated 04.06.2016 bearing document No.79 of
2016 as null and void.

d) Declare that the Resolution dated 24.06.2016 and the corresponding
Supplemental Trust Deed dated 28.06.2016 bearing Document No.96 of
2016 as null and void.

e)Declare that the Resolution dated 28.06.2016 of the 1st Defendant Trust inducing the 10th and 11th Defendants as Trustees of the 1st Defendant Trust as illegal and null and void.

f)Declare that the Resolution dated 18.06.2016 and the corresponding Supplemental Trust deed dated 20.01.2017 bearing document No.9 of 2017 inducing the 8th and 9th Defendants as Trustees of the 1st Defendant Trust as null and void.

g)Granting a Decree of Permanent Injunction restraining the Defendants 2 to 11 or their men, staff, agent, or any person or persons claiming through or under them from dealing with or alienating or transferring or encumbering the properties and institutions belonging to the 1st and 2nd defendant trust in any manner whatsoever.

h)to pay the costs.

A. No.1718 of 2020:-

Application praying that this Hon'ble Court be pleased to appointment of independent administrator by this Hon'ble Court in exercise of power and jurisdiction under Sec.92 of the C.P.C which is the nature of parens patriae jurisdiction.

A.Nos.2233, 2234 of 2019:

1. Ms.Jeppiaar Sheela @ Sheela Manoharan,
D/o. (Late) Dr.Jeppiaar,
No.3/171A, Hebron Prayer House,
Kazhipatur Joint Road,
Kazhipatur, Chennai 603 103.

.. Applicant/Plaintiff

-Vs.-

1. Dr.Mariazeena Johnson,
The Managing Trustee
Jeppiaar Educational Trust,
Old No.12, New No.29,
Ganapathi Street, Royapettah
Chennai – 600 014.

2.The Managing Trustee,
Sathyabama Educational Trust
Sathyabama University Campus,
Jeppiaar Nagar, Rajiv Gandhi Salai,
Chemmancherry, Chennai – 600 119.

3. Mrs.Remibai Jeppiaar
Old No.12, New No.29,
Ganapathi Street, Royapettah,
Chennai – 600 014.

Communication Address:
Sathyabama University Campus
Jeppiaar Nagar, Rajiv Gandhi Salai,
Chemmancherry, Chennai 600 119.

4. Mrs.Vijayarajeswari
No.23, Railway Colony,
2nd Street, Nelson Manickam Road,
Choolaimedu, Chennai – 600 029.

5. Dr.Chinnadurai
No.23, Railway Colony,
2nd Street, Nelson Manickam Road,
Choolaimedu, Chennai – 600 029.

6. Dr.Babu Manoharan
No.52C, Rajiv Gandhi Salai (OMR)
Sholinganallur, Chennai – 600 119.

7. Mrs.Regeena
W/o. Murali.S
Jeppiaar Engineering College,
Jeppiaar Nagar, Rajiv Gandhi Salai,
Chemmancherry, Chennai – 600 119.

8. Dr.Mariazeena Johnson
No.11, Ganesh Nagar,
1st Street, Sholinganallur,
Chennai – 600 119.

9. Mr.Marie Johnson
No.11, Ganesh Nagar,
1st Street, Sholinganallur,
Chennai – 600 119.

10. Mr.Murali S
Jeppiaar Engineering College
Jeppiaar Nagar, Rajiv Gandhi Salai,
Chemmancherry, Chennai 600 119.

11. Ms.Jessie Priya,
No.52C, Rajiv Gandhi Salai (OMR),
Sholinganallur, Chennai – 600 119. .. Respondents/Defendants

12. A.Karol Udaya Baskar
S/o. S.Arone,
No.12B, Rajammal Street,
Shenoy Nagar, Chennai – 600 030.

3. Nisha Mol Bronson,
W/o. Bronson,
48/43, Kasi Garden, 2nd Street,
Royapuram, Chennai – 13. ..Respondents 12 & 13/ Plaintiffs 2 & 3

A.No.2233 of 2019:

Application praying that this Hon'ble Court be pleased to :

i)attach the properties belonging to JET and SET under Order
XXXIX Rule 2A of C.P.C.; &

ii)To detain the Respondents 1 to 11 in civil prison for period of three
months for violating the order dated 28-11-2017 in O.A.No.1169 & 1170 of
2017 in C.S.No.908 of 2017.

A.No.2234 of 2019:

Application praying that this Hon'ble Court be pleased to :

i)attach the properties belonging to JET and SET under Order
XXXIX Rule 2A of C.P.C.; &

ii)To detain the Respondents 1 to 11 in civil prison for period of three
months for violating the order dated 28-11-2017 in O.A.No.1169 & 1170 of
2017 in C.S.No.908 of 2017.

A.No.5934 of 2019:

1.D.Nestore
S/o.Mr.Madou Ayoubé,

2.Mrs.Hilda Pappy Nestore
W/o.D.Nestore
Both are residing at
No.31, second Cross Street,
Ezhil Nagar, Lawspet,
Puducherry-605 008.

3.Maria Bernadette Tamilarasi
No.11, Ganesh Nagar,
1wst Street, Sholinganallur,
Chennai-600 119.

..Applicants/3rd Parties

-Vs.-

1. Ms.Jeppiaar Sheela
D/o. (Late) Dr.Jeppiaar,
No.3/171A, Hebron Prayer House,
Kazhipatur Joint Road,
Kazhipatur, Chennai 603 103,

2. A.Karol Udayabaskar
S/o. S.Arone,
No.12B, Rajammal Street,
Shenoy Nagar, Chennai – 600 030.

3. Nisha Mol Bronson,
W/o. Bronson,
48/43, Kasi Garden, 2nd Street,
Royapuram, Chennai – 13.

4. Jeppiaar Educational Trust
Rep.by Managing Trustee
Old No.12, New No.29,
Ganapathi Street, Royapettah
Chennai – 600 014.

5. Sathyabama Educational Trust
Rep.by Managing Trustee
Sathyabama University Campus,
Jeppiaar Nagar, Rajiv Gandhi Salai,
Chemmancherry, Chennai – 600 119.

6. Mrs.Remibai Jeppiaar
Old No.12, New No.29,
Ganapathi Street, Royapettah,
Chennai – 600 014.

Communication Address:
Sathyabama University Campus
Jeppiaar Nagar, Rajiv Gandhi Salai,
Chemmancherry, Chennai 600 119.

7. Mrs.Vijayarajeswari
No.23, Railway Colony,
2nd Street, Nelson Manickam Road,
Choolaimedu, Chennai – 600 029.

8. Dr.Chinnadurai
No.23, Railway Colony,
2nd Street, Nelson Manickam Road,
Choolaimedu, Chennai – 600 029.

9. Dr.BabuManoharan
No.52C, Rajiv Gandhi Salai (OMR)
Sholinganallur
Chennai – 600 119.

10. Mrs.Regeena
W/o. Murali.S
Jeppiaar Engineering College,
Jeppiaar Nagar, Rajiv Gandhi Salai,
Chemmancherry, Chennai – 600 119.

11. Dr.Mariazeena Johnson
No.11, Ganesh Nagar,
1st Street, Sholinganallur,
Chennai – 600 119.

12. Mr.Marie Johnson
No.11, Ganesh Nagar,
1st Street, Sholinganallur,
Chennai – 600 119.

13. Mr.Murali S
Jeppiaar Engineering College
Jeppiaar Nagar, Rajiv Gandhi Salai,
Chemmancherry, Chennai 600 119.

14. Ms.Jessie Priya,
No.52C, Rajiv Gandhi Salai (OMR),
Sholinganallur, Chennai – 600 119.

.. Respondents/Plaintiffs 1 to 3/
Defendants 1 to 11

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Application praying that this Hon'ble Court be pleased to implead the applicants herein as party defendants in the above suit.

A.No.2012 of 2020:

1. Mrs.Jeppiaar Sheela
D/o. (Late) Dr.Jeppiaar,
No.3/171A, Hebron Prayer House,
Kazhipatur Joint Road,
Kazhipatur, Chennai 603 103,
Kancheepuram District.

2. A.Karol Udayabaskar
S/o. S.Arone,
No.12B, Rajammal Street,
Shenoy Nagar, Chennai – 600 030.

3. Nisha Mol Bronson,
W/o. Bronson,
48/43, Kasi Garden, 2nd Street,
Royapuram, Chennai – 13.

..Applicants/Applicants/ Plaintiffs

Versus

1. Jeppiaar Educational Trust
Rep. by Managing Trustee
Old No.12, New No.29,
Ganapathi Street, Royapettah
Chennai – 600 014.

2. Sathyabama Educational Trust
Rep. by Manee
Sathyabama University Campus,
Jeppiaar Nagar, Rajiv Gandhi Salai,
Chemmancherry, Chennai – 600 119.

3. Mrs.Remibai Jeppiaar
Old No.12, New No.29,
Ganapathi Street, Royapettah,
Chennai – 600 014.

Communication Address:

Sathyabama University Campus
Jeppiaar Nagar, Rajiv Gandhi Salai,
Chemmancherry, Chennai 600 119.

4. Mrs.Vijayarajeswari
No.23, Railway Colony,
2nd Street, Nelson Manickam Road,
Choolaimedu, Chennai – 600 029.

5. Dr.Chinnadurai
No.23, Railway Colony,
2nd Street, Nelson Manickam Road,
Choolaimedu, Chennai – 600 029.

6. Dr.Babu Manoharan
No.52C, Rajiv Gandhi Salai (OMR)
Sholinganallur
Chennai – 600 119.

7. Mrs.Regeena
W/o. Murali.S
Jeppiaar Engineering College,
Jeppiaar Nagar, Rajiv Gandhi Salai,
Chemmancherry, Chennai – 600 119.

8. Dr.Mariazeena Johnson
No.11, Ganesh Nagar,
1st Street, Sholinganallur,
Chennai – 600 119.

9. Mr.Marie Johnson
No.11, Ganesh Nagar,
1st Street, Sholinganallur,
Chennai – 600 119.

10. Mr.S.Murali
Jeppiaar Engineering College
Jeppiaar Nagar, Rajiv Gandhi Salai,
Chemmancherry, Chennai 600 119.

11. Ms.Jessie Priya,
No.52C, Rajiv Gandhi Salai (OMR),
Sholinganallur,
Chennai – 600 119.

.. Respondents/Respondents/Defendants

12.Income Tax department – Investigation Wing,
Rep. by its Deputy Director 1/3 Unit),
No.46, Uthamar Gandhi Salai,
Nungambakkam High Road,
Chennai-600 034.

..Proposed Party/12th Respondent

Application praying that this Hon'ble Court be pleased to implead the proposed party (Income Tax Department – Investigation Wing, Represented by its Deputy Director -1/3 Unit, No.46, Uthamar Gandhi Salai, Nungambakkam High Road, Chennai-600 034) as 12th respondent in A.No.1718 of 2020 in C.S.No.908 of 2017.

These applications coming on this day before this court for hearing, the Court made the following order:

Learned counsel appearing for the defendants 2, 8 and 9 filed a memo stating that the leave granted under Section 92 of C.P.C in the above suit was concluded by the Hon'ble Division Bench of this Court in Review Application Nos.52 and 53 of 2020 filed in O.S.A.Nos.115 and 215 of 2019 as the same is defective and therefore, the suit is liable to be de-numbered and accordingly, they are pray to de-number the suit filed in CS.No.908 of 2017.

2.Heard both sides.

3. This Court by order dated 23.10.2017 in A.No.6404 of 2017 granted leave to the applicants to institute the suit under Section 92 of C.P.C for formulating a Scheme and other Reliefs. Subsequently, the plaint filed along with Application No.6404 of 2017 has been assigned with case number as C.S.No.908 of 2017. After numbering the suit, one M/s.Regeena and Mr.S.Murali who were arrayed as R7 and R10 in A.No.6404 of 2017 filed an application in A.No.60 of 2018 praying to revoke the leave granted on 23.10.2017 in A.No.6404 of 2017 in C.S.No.908 of 2017.

4. This Court after elaborate enquiry, by order dated 03.08.2018 dismissed the said application holding that the leave granted by this Court cannot be revoked. Against which, the aggrieved parties preferred an original side appeal in O.S.A.Nos.115 and 250 of 2019, wherein, the Division Bench of this Court by order dated 13.02.2020 dismissed the said O.S.As and confirmed the order passed by this Court in A.No.6404 of 2017.

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5. Thereafter, challenging the correctness of the judgment rendered in O.S.A.Nos.115 and 215 of 2019, the very same appellants filed review applications in Rev.A.Nos.52 and 53 of 2020, wherein, this Court after coming to the conclusion that the suit in respect to two public Trusts to

18.12.2020 has allowed the review applications. In the said circumstances, one of the learned counsel appearing for the respondent in the review petition made a submission before this Court that against the order passed in Review application, SLP is pending before our Honorable Apex Court.

6. By considering the said circumstances, it is apprehended that as of now, no order has been passed by the Honorable Apex Court in respect to the order passed in Rev.A.Nos.52 and 53 of 2020 filed in O.S.A.Nos. 115 and 250 of 2019. Therefore, it is the duty casts upon this Court to follow the directions given by the Hon'ble Division Bench in Rev.A.Nos.52 and 53 of 2020. In such circumstances, assuming that the SLP filed by the petitioner is allowed in their favour, it is for them to file a memo to restore the suit. In otherwise, in the absence of any order in favour of the plaintiff, it is necessary to de-number the suit filed in C.S.No.908 of 2017. Therefore, it is obligatory on the part of this Court to record this Memo and direct the Registry to de-number the suit which is filed in C.S.No.908 of 2017.

7. Accordingly, Registry is directed to de-number the suit viz., C.S.No.908 of 2017.

8. All the other applications are closed.

Sd/-R.P.A.J
08.03.2021

//Certified to be true copy//
Dated at Madras this the day of 2021.

JJ 07/04/2021

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



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