



A.No.358 of 2022
in
C.S.(DR).No.3108 of 2022

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C.V.KARTHIKEYAN, J.

This application has been filed under Section 92 of the Code of Civil Procedure seeking leave to institute the suit with relation to the 1st defendant/Sree Vidya Trust.

2. Section 92 of the Code of Civil Procedure envisages a situation wherein, if there are allegation of misappropriation of funds in the administration of the Trust, any two of the trustees or the Advocate General can institute a suit but prior to that, leave has to be obtained from the Court.

3. In the application filed, it had been stated that the 2nd defendant, had not given necessary accounts for the management of the Trust and was also not discharging responsibilities as the Managing Trustee of the 1st defendant Trust.

4. It is stated that the actions of the 2nd defendant are highly detrimental to the interest of the Trust. It has also been stated that to the reply to the notice issued, the 2nd defendant had taken a stand that a loan had been obtained.

5. The plaintiff had sought accounts of the Trust and also details regarding third party loans. However, the accounts had not been produced and on the other hand the 2nd defendant had alleged that the plaintiff had borrowed a sum of Rs.30/- lakhs.

C.V.KARTHIKEYAN,J.

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6. There has been allegations and counter allegations. It would only be appropriate that the entire facts are examined in manner known to law.

7. On notice being issued, the 2nd defendant had also filed a counter affidavit wherein, again allegations have been stated as against the plaintiff.

8. It is thus seen that there is an *inter se* quarrel among the trustees. This would only affect the functioning of the trust. The objects of the trust can never been satisfied so long as the managing trustee and the other trustees, are at issues with each other.

9. In view of all these reasons, it would only be prudent that the Civil Suit is taken on file and the entire facts relating to the Trust are examined in manner known to law.

10. To take the Civil Suit on file, leave has to be granted. Leave is accordingly granted.

11. The issues raised in the affidavit and in the response can be examined during the course of examining the issues in the suit.

12. The application stands allowed. Registry to number the Civil Suit in C.S.(DR).No.3108/2022 if it is otherwise in order.

23.11.2022

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