



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

CORAM:

Mr. JUSTICE N.SESHASAYEE

C.R.P. (PD) .No.796 of 2022

V.T.M.Azhaganandam

...Petitioner

Vs.

R.Anbazhagan,

...Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of Constitution of India, to allow the revision and set aside the fair order and decretal order dated 08.11.2021 passed in Trust.O.P.No.110 of 2020 on the file of the Principal District Court, Cudallore District, Cuddalore.

For Petitioner :Mr.D.Baskar

O R D E R

The revision petitioner has moved this Court challenging an order passed by the Principal District Court Cudallore, in Trust O.P.No.110 of 2020 seeking leave of the Court to sell a property belonging to the Trust for the benefit of the Trust. The learned District Judge, dismissed the said application inter alia on the ground that the revision petitioner herein has not established his lineage to the founded Trust and his right to file the Trust.O.P.

2.Heard the learned counsel for the revision petitioner.

3.There are three parts to the petition

- (a)first, locus standi of the revision petitioner to institute the Trust.O.P.;
- (b)ascertaining whether the intended sale is for the benefit of the Trust; and
- (c)in the eventuality of the Court considering the sale, the mode of sale of the property.



4. Learned counsel for the revision petitioner circulated a typed set of papers containing a copy of the legal heir certificate dated 17.09.1999. This Court therefore considers it appropriate to set aside the order, remand the matter back to the trial Court and the trial Court is now required to

(a) satisfy itself on the basis of the legal heirs certificate and the locus standi of the revision petitioner;

(b) to ascertain, if the intended sale is for the benefit of the Trust, here, it is underscored while the Court may keep in mind that the intended sale shall benefit the Trust, it may not require to meticulously go into the details to establish into the same.

(c) Thirdly, in the eventuality of the Court ordering sale, it has to fix the best price for sale. It must be by public auction which may include E-auction through any of the popular web sites for the purpose.

5. The Civil Revision Petition stands disposed of accordingly at the admission stage itself. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

kas/dk

To

The Principal District Court,
Cuddalore District
Cuddalore

C.R.P. (PD) No. 796 of 2022

SS (CO)
SP (17/05/2022)