



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 01ST DAY OF APRIL 2022

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

A.No.1469 of 2022

in

A.No.5269 of 2011

in

C.S.No.15 of 1967

In the matter of Estate of Hajee Miran
Mehdi Ispahani Charities

Between:

1. Mrs. Sha Begum,
2. Syed Jawad Ispahani,

No.94, Runnymede,
Poonamallee High Road,
Kilpauk, Madras.

...Plaintiffs

And:

1. Rokia Sultan
2. Sakina Begum
3. Syed Hasan Ali Razvi
4. Yussuff Razvi
5. Khasim Razvi

all are residing at No. 18,
Ritherdon Road, Vepery,
Madras.

...Defendants



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A.No.5269 of 2011:-

Official Trustee of Tamil Nadu

High Court Campus, Chennai - 104.

...Applicant

A.No.1469 of 2022:-

1. Rehaneh Ispahani

W/o. Late syed Ali Ispahani

Having office at "Ispahani Center", 2nd Floor

123, 124, Nungambakkam High Road,

Chennai - 600 034.

2. Dr. Mohamed Zaffer Ali,

S/o. Late Dr.Mohamed Mumtaz Ali,

Residing at DLF Commanders Court

B Block, 5th Floor, Apt No.: 052,

4, Ethiraj Salai, Egmore,

Chennai - 600 008.

3. Mehmood Ali Sayed

S/o. Late Athar Ali Sayed

Residing at Flat No. 3, Ground Floor,

Royal Villa 4th Main Road Extension

Kottur,

Chennai - 600 085.

...Applicants on behalf of the Petitioners

versus

The Administrative General and

Official Trustee of Tamil Nadu,

High Court, Madras

...Respondent



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Application praying that this Hon'ble Court be pleased to suitably amend the order passed on 12.11.2011, in Application No.5269 of 2011 in C.S.No.15/1967 by deleting or modifying Clause iv of the Order, and further incorporate suitable clauses in the order permitting the Lessee to enter into Agreement with the institutions ready to establish their Diagnostic Center by putting them in possession, in the interest of justice.

This Application coming on this day before this court for hearing in the presence of Mr. T.R.Rajagopalan, Senior Counsel for M/s.P.Veena Suresh, Advocates for the applicants herein and Mr. S.Raju, Administrator General and Official Trustee, appearing in person for the respondent herein and upon reading the judge's summons and the affidavit of Dr. Mohamed Zaffer Ali filed herein and the order dated 12.11.2011 made in A.No.5269 of 2011 in C.S.No.15 of 1967 and the learned Administrator General and Official Trustee having submitted that the order passed on 12.11.2011 in A.No.5269 of 2011 in C.S.No.15 of 1967 may be amended by permitting the lessee to sub-let the premises for running Diagnostic Centres and it is ordered as follows:-



premises for running Diagnostic Centres.

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2) That the order dated 12.11.2011 made in A.No.5269 of 2011 in C.S.No.15 of 1967 be and is hereby modified to the extent above.

3) That in all other aspects, the order dated 12.11.2011 shall remain unaltered.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 01ST DAY OF APRIL 2022.

Sd/-

ASSISTANT REGISTRAR (O.S. II)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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05.04.2022

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A.No.1469 of 2022
in
A.No.5269 of 2011
in
C.S.No.15 of 1967

ORDER

DATED : 01.04.2022

THE HON'BLE MR. JUSTICE
M.DURAI SWAMY

FOR APPROVAL: 05.04.2022

APPROVED ON: 06.04.2022



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THE HON'BLE MR. JUSTICE M.DURAI SWAMY

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C.S.No.15 of 1967

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**A.No.5269 of 2011:-**

Official Trustee of Tamil Nadu

High Court Campus, Chennai - 104.

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versus

The Administrative General and

Official Trustee of Tamil Nadu,

High Court, Madras

...Respondent

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

amend the order passed on 12.11.2011, in Application No.5269 of 2011 in



C.S.No.15/1967 by deleting or modifying Clause iv of the Order, and further incorporate suitable clauses in the order permitting the Lessee to enter into Agreement with the institutions ready to establish their Diagnostic Center by putting them in possession, in the interest of justice.

This Application coming on this day before this court for hearing,

the Court made the following order:-

The applicant has filed the above application to amend the order passed on 12.11.2011 in A.No.5269 of 2011 in C.S.No.15 of 1967 by deleting or modifying Clause-IV of the order and further incorporate suitable clauses in the order permitting the lessee to enter into agreement with the institutions ready to establish their Diagnostic Centres, by putting them in possession.

2.The applicant, in the affidavit filed in support of the application, has stated that the leased out premises has to be sub-let to the allied services of Diagnostic Centres, so that the Diagnostic Centres can be run efficiently. The learned AG & OT submitted that, in view of the recital in the original lease agreement, preventing the lessee from sub-letting the premises, they are not in a position to run the Diagnostic Centres. In these circumstances,



the learned AG & OT submitted that the order passed on 12.11.2011 in A.No.5269 of 2011 in C.S.No.15 of 1967 may be amended by permitting the lessee to sub-let the premises for running Diagnostic Centres.

3.In view of the submissions made by the learned AG & OT, the order, dated 12.11.2011, made in A.No.5269 of 2011 in C.S.No.15 of 1967, is modified to the effect that the tenants are permitted to sub-let the premises for running Diagnostic Centres. In other aspects, the order dated 12.11.2011 shall remain unaltered.

With these observations, the application is disposed of.

Sd/-M.D.J.
01.04.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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