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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 21ST DAY OF FEBRUARY 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

A.No.1798 of 2021

and

O.P.No.647 of 2012

O.P.No.647 of 2012

In the matter of Charitable and
Religious Trust Act, 1920 (Act 14
of 1920)

And

In the matter of M/s.Selvaradjalu
Chetty Trust

S.Sarvothaman,
79, 6th Main Road,
Mahaveernagar,
Pondicherry – 605 008.

...Petitioner

-Vs-

1. M/s.N.Selvaradjalu Chetty Trust,
Rep. by its Chairman,
Dr.H.B.N.Shetty, I.A.S. (Retd.)
17, Ist Street, Adyar,
Chennai – 600 020.

2. Mrs.Rasul Beevi,
25/1, Saiva Muthiahmudali Street,
Chennai – 600 001.



3. Mrs.Nahima Begum,
28/10, Venkatesamy Street,
Chennai – 600 004.

...Respondents

Original petition praying that this Hon'ble Court be pleased to pass orders directing the 1st Respondent M/s.N.Selvaradjalu Trust, represented by its Chairman and / or trustees to furnish to the petitioner:

(a) true copies of the declaration of the trust dated 11.11.1972, (regd. as Doc.No.252/1973, SRO, Pondicherry) executed by Padmini.

(b) Register or list showing the names of all the trustees appointed in terms of the trust deed with particulars of the date of appointment and resolution passed,

(c) Register or list showing the names of all the trustees appointed and / or functioning under or in terms of the registered Will dated 30.09.1975 executed by Padmini.

(d) to furnish the names and particulars of trustees who constitute the board of trustees of the first respondent trust, the date of their appointment as trustees and the resolution appointing them as trustees,

(e) to furnish the particulars as to the nature and object of the trust and the properties moveable and immovable belonging to the trust,

(f) directing the first respondent trust to furnish particulars of the alienation of the properties belonging to the trust from the date of trust till



this date, besides furnishing copies of the documents in support of such alienations and transfers,

(g) the particulars of the receipts and payment accounts, expenditure account and the balance sheet for a period of 3 years immediately prior to this date,

(h) if the first respondent has alienated any of the trust properties, the first respondent be directed to furnish the particulars of the disbursement of the proceeds realized on the sale or transfer of any of the trust properties and the purposes for which the amounts realized have been or being utilized for the purposes of the trust and or for carrying out the objects of the trust.

(i) furnish to the petitioner, a true copy of the deed of trust with all amendment or changes as on this date with the particulars of the trustees who have joined the first respondent trust on and from the date of death of Padmini i.e., 07.06.1980.

(j) to furnish particulars of acquisition of movable or immovable properties the name of the trust from the date of death of Padmini i.e., from 07.06.1980,

(k) the cases which are pending in Courts and /or before any authorities or tribunals in respect of the trust properties filed by the trust or against the trust and

(l) any other direction or directions as may be deemed fit and proper



by this Hon'ble Court for purposes of granting reliefs to the petitioner.

A.No.1798 of 2021:-

S.Sarvothaman, aged 79 years,
S/o. Late Somasundara Chettiar,
No.79, 6th Main Road,
Mahaveer Nagar,
Pondicherry – 605 008.

...Applicant/Petitioner

-VS-

1. M/s.N.Selvaradjalu Chetty Trust,
Rep. by its Chairman,
Dr.H.B.N.Shetty, I.A.S. (Retd.)
No.17, 1st Street, Adyar,
Chennai – 600 020.

2. Mrs.Rasul Beevi,
W/o. Haji Meeran Mohideen,
No.25/1, Saiva Muthiah Mudali Street,
Chennai – 600 001.

3. Mrs.Nahima Begum,
W/o. Ansar Ali,
No.28, Old No.10, Venkatesamy Street,
Santhome,
Chennai – 600 004.

...Respondents

Application praying that this Hon'ble court may be pleased to condone the delay of 121 days in filing the petition to set aside the order of dismissal for default dated 16/10/2020 in O.P.No.647 of 2012 and restore the same to file.

This Application coming on this day before this court for hearing, the court made the following order:-

1. This application has been filed to condone the delay of 121 days in



filing the petition to set aside the dismissal order dated 16.10.2020 in O.P.No.647 of 2012 and to restore the same on file.

2. Learned counsel for the respondents vehemently contended that in order to protract the matter, the petitioner is changing the counsel one after another. The present counsel is the third counsel. Hence the application has to be dismissed.

3. Heard and perused the records.

4. Condonation of delay is purely discretionary of the Court and also being satisfied with the reasons stated in the accompanying affidavit, the delay of 121 days in filing the petition to set aside the order of dismissal on 16.10.2020 is condoned.

5. Registry is directed to take the application to restore the Original Petition on file, if it is otherwise in order.

Sd./-PVJ.

21/02/2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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

EVK 24/02/2022