



Original Petition No.260 of 2022 &
Application Nos.3826, 3827 & 3828 of 2022

C.V.KARTHIKEYAN.,J.

The Original petition has been filed under Section 7 of the Religious and Charitable Trust Act r/w Section 34 of Indian Trust Act, 1882.

2. The petitioners are the owners of the property which has been described in the Schedule A as Item Nos. 1, 2 & 3 to the petition and the particular property over which the respondent is interested is given in schedule B which is an extent of 299 Sq.meters in TS No.6179/2 and another extent of 10 Sq.meters in T.S.No.6179/1.

3. Item Nos.1 & 2 properties mentioned in Schedule A herein are as follows;

Item No.1 *All that piece and parcel of vacant land bearing Plot No.7, Block - 136, Door No.41, New No.60, Jewellers Gardens, Venkatanarayana Road, T.Nagar, Chennai - 17, comprised in Old Sy.No.40/4 and T.S.No.6179/2, measuring an extent of 12131 sq.feet and bounded on the*

North by : Venkatanarayana Road, Sy.No.40/2-A

South by : Pinjala Subramaniam Road

East by : Venkatanarayana Road

*West by : Pasumarthy Gunnaiah Chetty House
No.12, Pinjala Subramaniam Road,
Sy.No.40/2 and 40/3 part.*

Item No.2 *All that piece and parcel of land and building bearing New No.60, "Jewellers Gardens", Venkatnarayana*



Road, T.Nagar, Chennai - 600 017 comprised in Sy.No.40/2 T.S.No.6179/1, Block 136, measuring to an extent of 1533 sq.ft and bounded on

North by : T.Nagar Social Club

South by : Pinjala Subramaniam Road

*East by : Pasumarthy Cunnaiah Chetty House
No.42, Venkatnarayana Road*

*West by : Pasumarthy Gunnaiah Chetty House
No.12, Pinjala Subramaniam Road.*

4. There is a consensus between the petitioners and the respondent to sell the property and purchase the property.

5. This petition is necessitated owing to the fact that the 1st petitioner is a charitable trust and necessary permission has to be obtained under Section 7 of Charitable and Religious Trust Act and also under Section 34 of Indian Trust Act, 1882. When there is consensus *ad idem*, it is only appropriate that the Court further moves forward to facilitate the consensus which has been reached between the two parties.

6. In this petition, three Applications have been filed viz., to recall P.W.1 for further evidence; to reopen the evidence of petitioner and to permit marking of the two documents namely Resolution of the Trust dated 02.12.2021, by which, it was authorized to conduct the case on behalf Trust and Resolution dated 11.10.021 which is the actual resolution agreeing to sell the property.



7. The parties had been relegated before the learned Master and Exs.P.1 to P.6 have already been marked. There has been no cross examination. The exercise is otiose, since the Original Petition itself is a petition filed to advance the case of the petitioner and respondent jointly, namely to sell the property and to purchase the property.

8. In view of the fact that such authorization to sell or permission to purchase cannot be granted in the absence of an effective resolution passed by the 1st petitioner / Trust, I would take these two resolutions on record even without inviting the parties to speak on it. They are marked as Ex.B.7 and B.8 by consent. The two applications therefore namely A.Nos.3826 & 3827 of 2022 which are applications to recall and re-open the evidence of P.W.1 are dismissed.

9. A.No.3828 of 2022 which is filed seeking permission to file the two documents, is allowed.

10. In the Original Petition, after narrating the manner in which they had been entitled for the property, it has been stated that the respondent / Chennai Metro Rail Project, CMRL Depot had proposed to purchase aforementioned schedule B property and that necessary resolutions had also been passed by the first petitioner herein which have now marked as Exs.B.7 and B.8, by consent of both the parties.

11. Therefore, in view of that particular aspect, the permission which is required to sell property is hereby granted and the parties



may proceed further. Necessary sale deeds may be executed in terms of this particular order and if required, this Order may also be presented before the Jurisdictional Sub Registrar at the time of registration.

12. The remaining property described in Schedule A which is in item Nos.2 & 3, after the property is sold to the respondent should remain and must remain in the custody and control and possession of the 1st petitioner / Trust.

10. With the above observations, the Original Petition stands allowed. A.Nos.3826 & 3827 of 2022 stands dismissed. A.No.3828 of 2022 stands allowed. No costs.

05.09.2022

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