



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **18.02.2022**

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

Cont.P.No.1206 of 2020

and

A.No.2244 of 2020

in

C.S.No.15 of 1967

Official Trustee of Tamil Nadu,
High Court Campus,
Chennai - 600 101.

... Petitioner

Vs

Dr. Mohammed Jaffer Ali
Trustee of SAA Ispahani Trust,
No.123 & 124, Nungambakkam High Road,
Chennai - 600 034

... Respondent

Petition filed to punish the respondent for wilful contempt of the order of this court dated 12.11.2011 in Appln.No.5269 of 2011 in C.S.No.15 of 1967 on the file of this Court.

For petitioner : Mr.S. Raju
for AG &OT

For Respondent : Mr. T.R. Rajagopalan,
Senior Counsel
for Mrs.P. Veena Suresh



ORDER

WEB COPY The applicants have filed the application in Appln.No. 2244 of 2020 seeking for appointment of Mrs. Rehaneh Ispahani, Dr. Mohamed Zaffer Ali and Mr. Mehmood Ali as members of the Advisory Board as per Clause 5 of the scheme Decree framed in C.S.No.15 of 1967 dated 21.02.1972.

2. Cont.P.No.1206 of 2020 has been filed by the learned Official Trustee to punish the respondent for willful contempt of the orders of this court dated 12.11.2011 in Appln.No.5269/2011 in C.S.No.15 of 1967.

3. So far the application in A.No.2244 of 2020 is concerned, the learned Administrator General and Official Trustee has filed an additional report dated 17.02.2022, wherein it has been stated that the learned Administrator General and Official Trustee has no objection to appoint the applicants as the members of the Advisory Board.

4. Further, it has been stated that suitable direction may be given to the applicants in respect of rendition of account of income and expenditure incurred in discharging the charity and that after assuming charge as Advisory Board Members, they shall meet him at least once in a month.

5. Mr. T.R.Rajagopalan, learned Senior Counsel appearing for the applicants submitted that the necessity for meeting the learned Administrator



General and Official Trustee every month may not arise and it would be appropriate to meet him only as and when required.

6. I fully agree with the submissions of the learned Senior Counsel to the effect that it is necessary to meet the learned Administrator General and Official Trustee only as and when the situation arise for such meeting.

7. So far the contempt petition is concerned, the respondent Dr. Mohammed Jaffer Ali has filed a counter, wherein, he has tendered unconditional apology.

8. Further, learned Administrator General and Official Trustee submitted that the building is kept locked for the last two years from January 2020. Therefore, this court may accept the apology tendered by the respondent and close the contempt petition.

9. Recording the averments stated in the counter affidavit by the respondent and also accepting the unconditional apology tendered by the respondent, the contempt petition is closed.

10. So far the application in A.No.2244 of 2020 is concerned, the same is



allowed with the following directions:

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(i) The applicants are directed to submit the account of income and expenditure incurred in discharging the charity to the learned Administrator General and Official Trustee as per the terms of the Scheme decree dated 21.02.1972; and

(ii) The Advisory Board Members shall meet the learned Administrator General and Official Trustee as and when it is necessary.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

mrn

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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GS/31/03/2022