



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 23RD DAY OF JUNE 2022

THE HON'BLE MR. JUSTICE A.A. NAKKIRAN

C.S.No. 87 of 2017

and

A.Nos. 1889 to 1892 of 2020

Mrs. Kamala Muthiah,
W/o. Late. M.Ct. Muthiah Chettiar,
No.5, Raja Annamalai Road,
Purasawalkam,
Chennai - 600 084.

... Plaintiff / Applicant

-Vs-

1. Mrs. Arti Meenakshi Muthiah,
W/o. Mr. Tarun Ghai,
No.5, Sai Kripa Apartments, 4th Floor,
Sundaram Salai, Off-Greenways Road,
R.A.Puram, Chennai - 600 028.
2. Mr. Tarun Ghai,
S/o. Mr. Manmohan Ghai,
No.5, Sai Kripa Apartments, 4th Floor,
Sundaram Salai, Off-Greenways Road,
R.A.Puram, Chennai - 600 028.
3. Ms. Supriya Ananth Reddy,
No. 23, Raja Annamalai Road,
Purasawalkam, Chennai - 600 084.
4. Sir.M.Ct.Muthiah Chettiar Higher,
Secondary School Trust,
Represented by its President,
And Having Office at
No.23, Raja Annamalai Road,
Purasawalkam, Chennai - 600 084.



f) Appoint Dr. Jayshree Oza-Director of CEMD-Centre for Education Management and Development (New Delhi), an NGO as Administrator of the 4th and 5th defendant Trusts.

g) To award the cost as against the defendants herein.

A.No. 1889 of 2020 :-

Application praying that this Hon'ble Court be pleased to pass direction to the Respondents to conduct admission of Higher Secondary student for the Academic Year 2020-2021 in the presence of the overseer.

A.No. 1890 of 2020 :-

Application praying that this Hon'ble Court be pleased to pass direction to the Respondents to pay the remuneration to the Overseer as per the order dated 25.06.2018 passed by the Hon'ble Division Bench in OSA No. 157 to 163 of 2017.

A.No. 1891 of 2020 :-

Application praying that this Hon'ble Court be pleased to pass to direct the Respondents to submit accounts for the period 2016 and 2017 in compliance with the order dated 25.06.2018 passed in OSA No. 157 of 163



A.No. 1892 of 2020 :-

Application praying that this Hon'ble Court be pleased to pass direction to the Overseer to audit the accounts of the 4th and 5th Respondent Trust in compliance with the order dated 25.06.2018 passed in OSA No. 157 to 163 of 2017.

This Civil Suit along with these applications coming on this day before this Court for hearing in the presence of Ms.Abitha Banu, Advocate for the Plaintiff in C.S.No. 87 of 2017 and for the Applicant in A.Nos. 1889 to 1892 of 2020, and Mr.G.Gopinath for M/s.J.Thilagaraj, Advocate for the Defendants in C.S.No.87 of 2017 and for the Respondents in A.Nos. 1889 to 1892 of 2020 and upon reading the Complaint filed in C.S.No.87 of 2017 and the order dated 01.04.2022 made in A.Nos. 1889 to 1892 of 2020 in C.S.No. 87 of 2017 and the Joint Memo dated 29/03/2022 filed by the Counsel for the Plaintiff and Defendants herein, and the learned counsel for the plaintiff having made an endorsement on the Complaint stating that "In view of the settlement arrived between the parties plaintiff has filed a withdrawal Memo dated 10/6/2022 and Plaintiff is withdrawing the Suit", and this Court doth recording the same,



That the Suit in C.S.No.87 of 2017 be and is hereby dismissed as
withdrawn.

2. That the Connected application in A.Nos. 1889 to 1892 of 2020 do
stand closed.

3. That there shall be no costs of this suit.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH
BHANDARI, CHIEF JUSTICE, HIGH COURT AT MADRAS
AFORESAID, THIS THE 23RD DAY OF JUNE 2022.

Sd/-

ASSISTANT REGISTRAR (O.S.I)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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05.07.2022

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C.S.No. 87 of 2017
And
A.Nos. 1889 to 1892 of 2020

ORDER

DATED : 23.06.2022

THE HON'BLE MR. JUSTICE
A.A. NAKKIRAN

FOR APPROVAL : 05.07.2022

APPROVED ON : 07.07.2022



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

C.S.No.87 of 2017

and

A.Nos.1889 to 1892 of 2020

Kamala Muthiah

... Plaintiff

vs.

1.Arti Meenakshi Muthiah

2.Tarun Ghai

3.Supriya Ananth Reddy

4.Sir.M.Ct.Muthiah Chettiar Higher

Secondary School Trust,

Represented by its President,

and having office at

No.23, Raja Annamalai Road,

Purasawalkam,

Chennai – 600 084.

5.Lady M.Ct. Muthiah Chettiar

Girls Higher Secondary School Trust,

Represented by its President,

and having office at 13/14,

Alagappa Road, Purasawalkam,

Chennai – 600 084.

... Defendants

Prayer:- Civil Suit is filed under Order IV Rule 1 of Original Side Rules read with Order VII Rule 1 of CPC praying for a Judgment and Decree:

a) declaring that the plaintiff is the Trustee for life and President of the 4th and 5th defendant trusts.



b) declaring the appointment of 1st defendant as President and Trustee of the 4th and 5th defendant trusts as null and void.

c) declaring the appointment of 2nd and 3rd defendant as Trustee of the 4th and 5th defendant trusts as null and void

d) Permanent injunction restraining the defendants Nos.1 to 3, their men, agents and subordinates or anyone claiming through them from preventing the plaintiff from discharging her functions as the Trustee and President of the 4th and 5th defendants Trusts.

e) Permanent Injunction restraining the defendant Nos.1 to 3, their men, agents and subordinates or anyone claiming through them from any manner dealing with the properties of the 4th and 5th defendant Trusts.

f) Appoint Dr.Jayshree Oza-Director of CEMD-Centre for Education Management and Development (New Delhi), and NGO as Administrator of the 4th and 5th defendant Trusts and

g) To award the cost as against the defendants herein.

For Plaintiff : Ms.Abitha Banu

For Defendants : Mr.G.Gopinath
for M/s.J.Thilagaraj

JUDGMENT

This Civil Suit has been filed praying for a Judgment and Decree

a) declaring that the plaintiff is the Trustee for life and President of the 4th and 5th defendant trusts.

b) declaring the appointment of 1st defendant as President and Trustee of the 4th and 5th defendant trusts as null and void.

c) declaring the appointment of 2nd and 3rd defendant as Trustee of the 4th and 5th defendant trusts as null and void



d) Permanent injunction restraining the defendants Nos.1 to 3, their men, agents and subordinates or anyone claiming through them from preventing the plaintiff from discharging her functions as the Trustee and President of the 4th and 5th defendants Trusts.

e) Permanent Injunction restraining the defendant Nos.1 to 3, their men, agents and subordinates or anyone claiming through them from any manner dealing with the properties of the 4th and 5th defendant Trusts.

f) Appoint Dr.Jayshree Oza-Director of CEMD-Centre for Education Management and Development (New Delhi), and NGO as Administrator of the 4th and 5th defendant Trusts and

g) To award the cost as against the defendants herein.

2. Heard the learned counsel for the plaintiff and the learned counsel appearing for the defendants and also perused the materials placed on record.

3. The learned counsel for the plaintiff has filed a memo, wherein, paragraph Nos.4 to 6 reads as follows:

“ 4. In pursuance of the mediation, the parties arrived at a settlement vide Memorandum of settlement dated 26.03.2022 and Corrigendum dated 04.04.2022. The Hon'ble Supreme Court has also recorded the Memorandum of Settlement (MOS) dated 26.03.2022 vide order dated 29.04.2022.

5. It is submitted that as per the MOS, both the parties



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to seek for discharge of the Overseer and to confine his remuneration to Rs.5,00,000/- and plaintiff to withdraw the suit.

6. It is therefore prayed that this Hon'ble Court may be pleased to take the Memorandum of Settlement dated 26.03.2022 and Corrigendum dated 04.04.2022 on record and permit the plaintiff to withdraw the suit and consequently discharge the overseer by confining his remuneration to Rs.5,00,000/- in terms of the MOS. “

4. In view of the submission and endorsement made by the learned counsel for the plaintiff and recording the Memo filed by the plaintiff, this Civil Suit stands dismissed as withdrawn. Consequently, connected applications are closed. No costs.

Sd./- A.A.N.J.,
23/06/2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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