



O.S.A.No.462 of 2009

O.S.A.No.462 of 2009
and
Cross Obj. No.7 of 2010
and
Connected Miscellaneous Petitions

R.SUBRAMANIAN,J.
and
R.KALAIMATHI,J.

Today this matter has been listed under the caption “for being mentioned” at the instance of the counsel for the parties.

2. The following sentence is directed to be inserted in paragraph No.2 of the common judgment dated 26.09.2023:

“The memorandum of compromise dated 24.09.2023 shall form part of the decree.”

3. After insertion of the above sentence the paragraph No.2 reads as follows:-

2.Two of the legal representatives of Mr.B.V.S.S.Mani / 2nd appellant in the appeal were not impleaded when the other legal representatives are brought on record. They are, Thirumathi B.Madhavi and Thirumathi B.T.Sundari, who are



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*the daughters. They have also joined the execution of the compromise. Therefore, the compromise is recorded and the appeal is disposed of interms of the compromise. **The memorandum of compromise dated 24.09.2023 shall form part of the decree.** Consequently, connected Cross Objection No.7 of 2010 is disposed of and connected miscellaneous petitions are closed.*

4. In paragraph No.5, the name of the counsel should be A.P.Suryaprakasam instead of Mr.A.P.Sivaprakasam. Thus, paragraph No.5 reads as follows:-

*5.We therefore, reduce the fee payable to Rs.1,00,00,000/- (Rupees one crore only) in all and direct the Sangha to pay Rs.60,00,000/- (Rupees sixty lakhs only) to Hon'ble Mr.Justice A.Ramamurthy, Judge (Retired) and Rs.20,00,000/- (Rupees Twenty lakhs only) each to Mr.V.K.Sathiamurthy and **Mr.A.P.Suryaprakasam.** The said payments shall be made within a period of four weeks from today.*



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WEB COPY 5. Registry is directed to carryout the corrections and issue the corrected order copy.

(R.S.M.,J.) (R.K.M.,J)
31.10.2023

dsa



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R.SUBRAMANIAN,J.
and
R.KALAIMATHI,J.
dsa

O.S.A.No.462 of 2009
and
Cross Obj. No.7 of 2010
and
Connected Miscellaneous Petitions

31.10.2023



O.S.A.No.462 of 2009

THE HIGH COURT OF JUD ICATURE AT MADRAS

DATED: 26.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

O.S.A.No.462 of 2009
and
Cros.Obj.No.7 of 2010
and
Connected Miscellaneous Petitions

O.S.A.No.462 of 2009

1.Swadharma Swarajya Sangha
(Orthodox National League)
Regd. Office at No.29, Broadway,
Chennai.

2.B.V.S.S.Mani (deceased)

3.B.Lalitha Rathnam

4.B.V.S.L.Krishna Kishore

5.B.V.S.Lakshmi

6.B.Bhuvaneswari

7.B.V.K.Ramalingeswaradu

8.V.K.Dongre (Deceased)

9.Shri Ramalingeswara Trust,
Rep. by its Trustee,

Mr.B.V.S.S.Mani

...Appellants

(Appellants 4 to 7 brought on record as LR's of deceased appellants 2 & 3 and also recorded the death as 8th appellant and first respondent vide order of Court dt. 10.02.2011 made in OSA.No.462 of 2009)



O.S.A.No.462 of 2009

Vs.

1.Mohanram Sastry (deceased)

2.C.Srinivasan

3.K.L.Manohar (died)

4.M/s.Indian Commerce and Industries Company (Pvt) Ltd.,
No.57, Broadway, Chennai - 600001
Rep. by its Director, Mr.C.Ravindran

5.M/s.Beeive Engineering Allieds Industries Ltd.,
Rep. by K.L.Manohar, 10, Padmarao Nagar,
Secunderabad - 500 025, Andhra Pradesh.

6.Mr.S.V.Ramana,
No.1, Quarters, 10, Padmarao Nagar,
Secunderabad - 500 025, Andhra Pradesh.

7.Mr.P.Srinivas,
Quarters No.3, SSS Kalyanamandapam,
10, Padmarao Nagar, Secunderabad - 500 025,
Andhra Pradesh.
(R4 to R7 impleaded as party respondents vide Order
as party respondents vide Order of Court dt. 24.11.2014
made in MP.No.1 of 2014)

8.S.Gowri

9.C.Ramesh Kumar

10.C.Ravindran

11.Kowtha Kameswari

12.K.N.T.Sundari

13.G.Padmavathi

14.T.Sri Lalitha

15.P.Kamala

16.D.V.Krishna Kumari

(R11 to R16 brought on record as LR's of the deceased
3rd respondent viz., K.L.Manohar vide Court order dated



O.S.A.No.462 of 2009

26.08.2019 made in CMP.No.18408/2019 in OSA/462/2009)

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17.The Assistant Engineer,
Corporation Division, No.056,
Corporation of Chennai.

18.The Inspector of Police,
N-3, Muthialpet Police Station,
Chennai.

...Respondents

(R17 to R18 suo motu impleaded as respondents Vide Court
Order dt. 14.07.2021 made in OSA.No.462 of 2009 &
CMP.Nos.10594, 10598, 17197, 9830, 10361, 10549, 10552/2019,
10837/2020 & 1941, 1948, 1949, 2467, 5911, 10273/2021 &
Cross.Obj.No.7/10 (NKKJ & PVJ)

Prayer: Original Side Appeal filed under Order XXXVI Rule 9 of Original
Side Rule r/w. Clause 15 of Letter Patent, against the judgment and decree
dated 02.11.2009 in C.P.No.71 of 1986.

For Appellants : Mr.P.Subba Reddy

For Respondents :Mr.A.K.Mylsamy for
M/s.A.K.Mylsamy Associates for
R1, R16 & R4
R5, R6 to R8 & R18 - No Appearance
R1, R2 & R3 - Died
Mr.V.K.Sathyamurthy and
Mr.A.P.Suryaprakasam - Counsel for
Administrator
Ms.Aswini Devi. K for R17



O.S.A.No.462 of 2009

Cross Objection No.7 of 2010

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2.C.Srinivasan (deceased)

3.K.L.Manohar (died)

4.Kowtha Kameswari

5.K.N.T.Sundari

6.G.Padmavathi

7.T.Srilalitha

8.P.Kamala

9.D.V.Krishna Kumari

(A4 to A9 brought on record as LR's of the deceased 3rd appellants
viz., K.L.Manohar vide Court Order dated 26.08.2019 made in
CMP.No.18408 of 2019 in OSA.No.462 of 2009 (KKSJ and PTAJ)

Vs.

1.Swadharma Swarajya Sangha
(Orthodox National League)
Regd. Office at No.28, Broadway,
Chennai.

2.B.V.S.S.Mani

3.B.LalithaRathnam

4.B.V.S.L.Krishna Kishore

5.B.V.S.Lakshmi

6.B.Bhuvaneswari

7.B.V.K.Ramalingeswarudu

8.V.K.Dongre

9.Shri Ramalingeswara Trust,



O.S.A.No.462 of 2009

Rep. by its Trustees,
Mr.B.V.S.S.Mani

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10.The Assistant Engineer Corporation Division,
No.056, Corporation of Chennai.

11.The Inspector of Police,
No.3, Muthialpet Police Station, Chennai.
(R10 and R11 suo moto impleaded as respondent vide Court
Order date 14.07.2021 made in OSA.No.462 of 2009 and
CMP.No.10594, 10598, 17197, 9830, 10361, 10549, 10552 of 2019,
10837 of 2020, 1941, 1948, 1949, 2467, 5911, 10273 of 2021
and Cross.Obj.No.7 of 2010 NKKJ and PVJ)

Prayer:- Cross Appeal filed under Order XLI, Rule 22 of C.P.C., against
the judgment of this Court dated 02.11.2009 in C.P.No.71 of 1986.

For Cross Objectors : Mr.A.K.Mylsamy for
M/s.A.K.Mylsamy Associates

For Respondents : Mr.P.Subba Reddy

COMMON JUDGMENT

(Judgment of the Court a was made by R.SUBRAMANIAN, J.)

This matter is almost half a century old. Fortunately, the parties have
now agreed upon for resolution of the entire dispute and have filed a
comprehensive memo settling whole dispute. This settlement, we hope

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paves way for the Sangha formed under Section 25 of the Companies Act 1956 purely for charitable purposes is back on track and the noble intentions and wishes of the Founder of the Sangha are achieved by the legal representatives, who are now in management of the Sangha.

2.Two of the legal representatives of Mr.B.V.S.S.Mani / 2nd appellant in the appeal were not impleaded when the other legal representatives are brought on record. They are, Thirumathi B.Madhavi and Thirumathi B.T.Sundari, who are the daughters. They have also joined the execution of the compromise. Therefore, the compromise is recorded and the appeal is disposed of interms of the compromise. Consequently, connected Cross Objection No.7 of 2010 is disposed of and connected miscellaneous petitions are closed.

3.Pending appeal, Hon'ble Mr.Justice A.Ramamurthy, retired Judge of this Court was appointed as Administrator and M/s.V.K.Sathiamurthy and A.P.Suryaprakasam were appointed as Advocate Commissioners to assist the Administrator. Their remuneration was also fixed by the Court from



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time to time and it is not in dispute that they have not been paid the remuneration from the year 2019. The amounts due as of today comes to Rs.76,00,000/- for the Administrator and Rs.23,20,000/- each to the two Advocate Commissioners. The total amount that is payable works to Rs.1,22,40,000/-.

4.Both Mr.P.Subba Reddy and Mr.A.K.Mylsamy, learned counsel appearing for the parties would magnanimously leave it to us to fix the fee payable to the Administrator and the two Advocate Commissioners. Both the Advocate Commissioners, Mr.V.K.Sathiamurthy and Mr.A.P.Sivaprakasam, who are present in Court would agree for a slight reduction of the amounts. We presume an agreement of Hon'ble Mr.Justice A.Ramamurthy also.

5.We therefore, reduce the fee payable to Rs.1,00,00,000/- (Rupees one crore only) in all and direct the Sangha to pay Rs.60,00,000/- (Rupees sixty lakhs only) to Hon'ble Mr.Justice A.Ramamurthy, Judge (Retired) and Rs.20,00,000/- (Rupees Twenty lakhs only) each to Mr.V.K.Sathiamurthy



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and Mr.A.P.Sivaprakasam. The said payments shall be made within a period of four weeks from today. There will be a direction to the Administrator to handover the properties and documents of the Sangha to the parties as per the compromise. By an order dated 23.06.2021, this Court had directed the Sangha to pay a sum of Rs.15,00,000/- (Rupees Fifteen lakhs only) to any charity. The said sum of Rs.15,00,000/- shall be paid to the Cancer Institute, Adyar, Chennai.

6.We place on record our sincere appreciation to both Mr.P.Subba Reddy and Mr.A.K.Mylsamy for having helped the parties to arrive at a negotiated settlement of a very old dispute.

(R.S.M.,J.)

(R.K.M.,J.)

26.09.2023

kkn

Internet:Yes

Index:No

Non-speaking order

Nuetral Citation : No

12/23



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(R.S.M.,J.) (R.K.M.,J.)
26.09.2023

kkn

Internet:Yes

Index:No

Non-speaking order

Nuetral Citation : No

22/23



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