



WEB COPY



A.No.660 of 2023 in
CS.DR.No.10391 of 2023 & A.No.4842 of 2023

N.SATHISH KUMAR, J.

This application has been filed seeking leave to the petitioners/plaintiffs to institute the suit against the respondents/defendants for the purpose of administration of the plaintiff Trust.

2. The main ground on which leave is sought is that the election officer has not conducted the election properly and the election officer has not followed the proper guidelines and rules and regulation of private body election. The petitioners, who appears to have contested in the election, have lost in the election and therefore, seeks to leave of this Court to file a suit on the allegation of breach of trust.

3. While granting leave, the allegations in the plaint has to be taken note to find out whether there is any breach of trust caused by the respondents/ defendants. A perusal of the plaint, it appears that as the applicants have lost in election, have filed the suit in order to vindicate their



personal right. If the applicants have any grievance in the conduct of elections, their remedy lies else where and not by challenging the election under section 92 alleging breach of trust.

4. I have perused the trust deed. The same indicate that the trust has been created for the benefit of Nadar community and members to be elected from the community. Such being the position, merely because the applicants have not won the election, leave cannot be granted. Hence, I do not find any merits in this application.

5. Accordingly, this application is dismissed and the suit is rejected. No costs. Consequently, connected application is closed.

03.10.2023

vrc



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