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C.S. No.299/2---

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **15.06.2023**

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

C.S. No.299 of 2012

1.S.Mukanchand Bothra
2. Mohanchand Dadha

... Plaintiffs

Vs.

1. Shree Chandraprabhu Maharaj
Juna Jain Mandir Trust,
No.345, Mint Street,
Chennai – 600 079.

2. Rikabchand Samdaria
3. Jatmal Sandania
4. Inderchand Kataria
5. Manicchand Nahar
6. Santhi Mal Nahar
7. Harischand Betala
8. Vijaylal Baid
9. Pannalal Singvi
10. Navrathanmal Nahar
11. Sanjay Bangari
12. Gowtham Chand Nahar
13. Gyan Jain
14. Kesarichand Sethia
15. Shanthilal Gulecha
16. Sohanlal Lunawath
17. Pramod Kumar Chopda
18. Mahendrakumar Kothari
19. Mukesh Gulecha



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20. Ratanchand Savansukha
21. Laxmiraj Bachavat
22. Padamchand Dagg

... Defendants

Civil Suit is filed under Order IV Rule 1 of O.S.Rules read with Section 92 C.P.C. and Order 7 Rule 1 of C.P.C. to pass a decree and judgment against the defendant:

a) granting injunction restraining the defendants 2 to 22 herein from functioning as trustees of the first defendant trust;

b) directing the defendants to conduct election for election of 22 trustees of the first defendant trust as per the Deed of Trust dated 20.08.1987 within a stipulated time, failing which the appointing an Advocate Commissioner to conduct the election for election 22 Trustees as per the Deed of Trust dated 20.08.1987;

c) to pay the costs of the suit.

For Plaintiffs : Mr.T.Dhanasekaran
For Defendants : M/s.Royan Law Asso.(for D6 & D10)
Mr.Vedavali Kumar (for D9, D11 & D12)
Mr.Praveen Sethia (for D14 and D22)
Mr.R.Kamaraj (For D3 and D4)
Mr. Nagarajan (For D1)
Mr.M.Prabhakar (D13, D15, D16, D18, D21)



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JUDGMENT

On 01.06.2023 this Court has passed the following order:

“Despite it was submitted by the learned counsel for the plaintiffs that the suit has become infructuous and he would file a written statement to that effect, no such written statement has been filed with an application to condone the delay so far. The plaintiff has also not taken any steps to implead the legal representatives of the deceased first defendant.

2. The suit is pending from the year 2012 without any progress. Hence the matter is ordered to be listed under the caption “For dismissal” on 15.06.2023.

2. Plaintiff's son is present. Despite the matter has been listed today under the caption “For dismissal”, neither the written statement has been filed nor steps have been taken. Hence, this Court is inclined to dismiss the suit for default.

3. Accordingly, the Civil Suit is dismissed for default. No costs.

15.06.2023

Index : Yes/No
Speaking Order : Yes / No
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R.N.MANJULA, J.,



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