



CRP No.4752 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2023

CORAM:

THE HONOURABLE Mr. JUSTICE LAKSHMI NARAYANAN

CRP No.4752 of 2014
and MP No.1 of 2014

1.Uthamchand Kothari
2.D.Kamalchand Kothari

... Petitioners

Vs

1.Lalithkumar Munot
2.Anilkumar Munot
3.Abbaykumar Munot
4.Prakashchand Vaid
5.Saurath Munot
6.Bhagwan Mhaveer Jansevan Trust
Rep by its Chairman,
No.13, North Sanathi Street,
Chidambaram

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order passed in I.A.No.253 of 2012 in O.S.No.1 of 2008 dated 02.09.2014 on the file of II Additional District Court, Chidambaram.



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For Petitioners : Mr.T.Sezhiyan
For Respondents : Mr.S.Kadarkarai
For R.1
Mr.P.Uttamchand
For R.2
RR3 to 5 – Given up
R.4 – Not ready in notice
R.6 - Refused

ORDER

This Civil Revision Petition arises against an order passed in I.A.No.253 of 2012 in O.S.No.1 of 2008 on the file of II Additional District Court, Chidambaram.

2. The learned trial Judge has dismissed the application to implead the Trust in a suit under Section 92 of Civil Procedure Code. The ground on which it was dismissed was that the name of the Chairman has not been mentioned.

3. A Trust is represented by body of trustees and unlike a Company or a Society, its properties vest in the trustees. The code does not demand naming a specific person. Designation would suffice. Once the Trust is



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impleaded, automatically the trustees, who are the parties to the trust, have to be brought on record. The order of the learned trial Judge suffers from irregularity in the sense that after coming to the conclusion that the Trust is a proper and necessary party, he has dismissed the application.

4. Therefore, the order passed in I.A.No.253 of 2012 in O.S.No.1 of 2008 is set aside and the Trust is impleaded as a party to the suit and the Civil Revision Petition is allowed. No costs.

5. Since the suit is of the year 2008, the learned II Additional District Judge, Chidambarm shall endeavor to dispose of the suit within a period of eight months from the date of framing of issues.

No costs. Consequently, connected miscellaneous petition is closed.

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Index:Yes/No
Speaking order/Non-speaking order
sr



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V.LAKSHMINARAYANAN,J.

sr

To

The II Additional District Court, Chidambarm

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