



WEB COPY



A.NO.4586 OF 2023 IN CS DR.NO.99318 OF 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2023

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

APPLICATION NO.4586 OF 2023
IN C.S.DR.NO.99318 OF 2023

1.Roop Chand Vaid, A.
2.A.Goutham Chand

.. Applicants/
Plaintiffs

VS.

1.Sri Purushadaniya Parshvanatha Jain
Swethambar Moorthi Pujak Sangh (Trust)
Represented by its Secretary
No.65-66, Tana Street, Purasawalkam,
Chennai – 600 007.

2.J.Harakhchand Gulecha
Secretary
Sri Purushadaniya Parshvanatha Jain
Swethambar Moorthi Pujak Sangh (Trust)
No.63/16, Mookathal Street, Purasawalkam,
Chennai – 600 007.

3.Lalith Kumar Baid
President
Sri Purushadaniya Parshvanatha Jain
Swethambar Moorthi Pujak Sangh (Trust)
No.108, Saravana Perumal Street, Purasawalkam,
Chennai – 600 084.



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4.Vimal Choudry
Sri Purushadaniya Parshvanatha Jain
Swethambar Moorthi Pujak Sangh (Trust)
No.33, Tana Street, Purasawalkam,
Chennai – 600 007.

.. Respondents/
Defendants

PRAYER: Application filed under Order XIV Rule 8 of Original Side Rules read with Section 92 of CPC with a prayer to grant leave to sue.

For Applicants / Plaintiffs : Mr.M.L.Ramesh
For Respondents / Defendants : Mr.K.Prahalad Bhat

ORDER

This Application has been filed for grant of leave to sue the defendants.

2.The Suit is filed to remove the existing Trustees from the Management of the first defendant Trust Sri Purushadaniya Parshvanatha Jain Swethambar Moorthi Pujak Sangh (Trust); for the appointment of ad-hoc Trustees from among the life members as Trust Board till the next election for the first defendant Trust for its day-to-day functioning; for a permanent injunction restraining the defendants 2 to 4 from performing the trust



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activities and interfering with the management of the first defendant trust Sri Purushadaniya Parshvanatha Jain Swethambar Moorthi Pujak Sangh (Trust); and to direct the defendants 2 to 4 to hand over the accounts of the trust and possession of the trust properties to the adhoc committee appointed by the Court and the new Trustees elected in the ensuing Annual General Body Meetings.

3.During arguments, learned counsel for the respondents/defendants brought to the notice of this Court that the first defendant/Trust has already filed a Suit in C.S.No.262 of 2022 for injunction restraining the defendants therein from interfering with the affairs of the Trust.

4.Since the allegations in the present plaint and Suit in C.S.No.262 of 2022 are relate certain Members of the Trust, this Court pointed out the learned counsel for the applicants/plaintiffs that since a Suit in C.S.No.262 of 202 is already pending before this Court with respect to the same Trust, there cannot be any further Suit.



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5.Learned counsel for the applicants / plaintiffs submitted that liberty may be granted to the applicants / plaintiffs to implead themselves in the pending Suit.

6.In such view of the matter, since the Suit in C.S.No.262 of 2022 is already pending before this Court with respect to the properties of the same Trust, liberty is granted to the applicants / plaintiffs to implead themselves in the above Suit and canvass their case.

7.With the above observation, the Application filed for grant of leave to sue is dismissed and consequently, the un-numbered Suit is rejected at the SR stage itself. No costs.

12.12.2023

Index : Yes / No
Neutral Citation : Yes / No
Speaking / Non-speaking order
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N. SATHISH KUMAR, J.

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