



C.R.P.(NPD).No.1125 of 2001

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(NPD).No.1125 of 2001

and CMP(MD).No.6099 of 2001

J.Mahesh

....Petitioner

Vs

1.V.S.Ramasubramanian (died)

2.M.Govindan

3.S.Duraipandian (died)

4.Ramakishore

5.Vathsala (died)

6.M.Ayyamperumal (died)

...Respondents

(Respondents 1,3,5 and 6 died, memo recorded in USR No.477 dated 03.02.2016 presented in Court dated 02.02.2016 and 2nd memo presented in Court dated 12.02.2016, recorded vide Court order dated 12.02.2016)

PRAYER: The Civil Revision Petition has been filed under Section 115 of Code of Civil Procedure, to allow the civil revision petition setting aside



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the Fair and Decreetal order of the learned Principal District Judge, Madurai dated 23.03.1998 in I.A.No.46 of 1996 in O.S.No.4 of 1915 and to order the said I.A. as prayed for appointing the petitioner as hereditary trustee of Lala Sri Renga Chathram Charities Trust, Madurai for life.

For Petitioner : Mr.M.Karthikeya Venkitachalapathy

For Respondents : No appearance

ORDER

This Civil Revision Petition has been filed challenging an order passed by the Principal District Court, Madurai wherein the request of the petitioner for appointment as a Life Cum Managing Trustee of Lala Sri Renga Chathram Charities Trust, Madurai in the vacancy created by removal of his father Janardhana Misra @ Janardhana Prasad from the office of Life Cum Managing Trustee was rejected.

2.The learned District Judge after careful consideration of the oral and documentary evidence, had arrived at a finding that the revision petitioner has not established the fact that his father was adopted to the family. On the said ground, the request of the petitioner for appointment of trustee under the hereditary category was rejected. The said issue relating



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to the adoption of the father of the writ petitioner was framed as a preliminary issue and after a detailed discussion, the learned District Judge has arrived at a finding that he has not established his adoption into the family of Suklal Subedar as a adopted son. When the father of the revision petitioner has not established his adoption into the family of Suklal Subedar, his son cannot seek any right to be inducted as a trustee under the hereditary category. Therefore, this Court does not find any illegality or infirmity in the order passed by the Tribunal. However, the petitioner, also belonging to the said community, he will be entitled to apply for the post of trusteeship under the open category meant for the community people.

3. With the above observations, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

02.02.2023

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
msa



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To

- 1.The Principal District Judge
Madurai
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR, J

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