



O.P. No.77 of 2007

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2024

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

O.P. No.77 of 2007
and O.A.No.160 of 2007

B.Sundaralingam

... Petitioner

VS.

1.Satti Paradesi Samadhi and Pilliar Temple,
Rep by its Trustee B.S.Ramalingam,
36, T.H.Road, New Washermanpet,
Chennai 600 081.

2.B.S.Ramalingam

... Respondents

PRAYER: Original Petition filed under Sections 73 and 74 of the Indian Trusts Act, praying to remove the second respondent from the office of the Trustee of the first respondent's Trust and consequently, restraining the second respondent from interfering with the peaceful management and administration of the first respondent Trust by the petitioner and to direct the second respondent to render true and proper accounts of the first respondent's Trust from the year 1999 to the date of handing over of charge to the petitioner and for other reliefs as prayed for and for costs.



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For Petitioner : Mr.T.S.Baskaran

For Respondents : Mr.V.Balasubramanian

ORDER

This Original Petition has been filed under Sections 73 and 74 of the Indian Trusts Act, 1882, seeking a direction to remove the second respondent, younger brother of the petitioner from the office of the Trustee of the first respondent Trust, Satti Paradesi Samadhi and Pillayar Temple at No.36, TH Road, New Washermanpet, Chennai 600 081 and to restrain the second respondent from interfering with the peaceful management and administration of the said Trust by the petitioner and for a direction to the second respondent to render true and proper accounts of the Trust from the year 1999 till the date of handing over charge to the petitioner.

2.The petitioner/ B.Sundaralingam and the second respondent/ B.S.Ramalingam are brothers. They also have another brother called Somasundaram who is not a party to this petition and it is stated that he is not interested in the administration and management of the said Trust, Satti Paradesi Samadhi and Pillayar Temple. It has been stated in the petition that the said Trust is a private Trust. It had been stated that in the later half of the 19th century, there was a Sannyasi called Satti Paradesi living near Thiru



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Arunachaleeswarar Temple, Sowcarpet, Chennai. He came to live with one Raju Mudaliar and when he died, the body was buried in a private land owned by the said Raju Mudaliar. The said Raju Mudaliar raised a Samadi and started to worship to continue the memory of the Sannyasi. The said Raju Mudaliar died around 1906 and thereafter, his brother B.Sabapathi Mudaliar continued the worship. The said Raju Mudaliar was also buried adjacent to the Samadhi of the Sannyasi.

3. Thereafter, a small Pillayar Temple was built in the land and upon the death of Sabapathi Mudaliar, his adopted son B.Santhalinga Mudaliar became the Trustee. He was the father of the petitioner and the second respondent and he continued to perform special poojas on Chitra Pournami Day at the Samadhi and he was in management of the land and the Samadhi. It is claimed that it became a private Trust by use and dedication. He also raised constructions over the temple and the Samadhi and he also put up small rooms adjoining to the road and they were let out to various tenants. The rents were utilised for performance of poojas and maintenance of the Samadhi and to pay statutory dues.



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4.It is claimed that the factum of private Trust was declared in O.S.No.809 of 1954 filed by one Santhalinga Mudaliar against one Chidambara Mudaliar @ Chidambara Swamy and two others. A judgment was delivered on 31.03.1956, by the learned IV Assistant Judge, City Civil Court, Chennai. This judgment was confirmed in A.S.No.74 of 1957, dated 19.02.1959. It was claimed that the said Santhalinga Mudaliar was declared to be the Trustee for the property consisting of the Samadhi and the Temple. It was claimed that the said Santhalinga Mudaliar executed a Settlement Deed in favour of his three daughters in respect of the adjoining vacant land in the property where the Samadhi is situated. This was in the year 1976 and he then died on 26.12.1978 and he left behind his wife B.S.Vijayasarambambal, the petitioner and the second respondent and three other daughters as his legal heirs and also the wife and children of the predeceased son B.S.Somasundaram.

5.The petitioner and the second respondent were Advocates. It is stated that in 1999, owing to the pre-occupation of the petitioner, he was not in a position to take care of the day-to-day affairs and the maintenance of the Samadhi. He was so doing from 1978 till 1999. At that time, in 1999, the second respondent who was also an Advocate, showed interest in the affairs



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of the Trust. The petitioner had permitted the second respondent to manage the affairs of the Trust, particularly, relating to collection of rents, payment of taxes and such other obligations. He was also involved in the performance of poojas, particularly, the special pooja on Chitra Pournami Day.

6.It is the specific allegation of the petitioner that the second respondent failed to perform the objects of the Trust. He filed C.S.No.673 of 1997 questioning the Deed of Settlement executed by his father in favour of his three sisters. He claimed that the said property was also a Trust property. The said suit was dismissed as barred by limitation by judgment dated 24.07.2003. Thereafter, the second respondent initiated Rent Control proceedings against one of his own sisters and sought an order of eviction against her. After that, the said sister had filed O.S.No.1053 of 2001 claiming 1/6th share of the land in which the Samadhi was situated.

7. The petitioner claimed that the property being a Trust property, he was entitled to be in the management of the same and the second respondent stood disqualified owing to his conduct. The tenants were also instigated to take advantage of the difference between the petitioner and the second respondent. A notice was issued by the petitioner on 22.09.2006 seeking accounts, receipts and expenditure of the accounts from January 1999 to



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August 2006. A reply was sent on 30.09.2006 but it did not contain all the details. Under those circumstances, this petition has been filed seeking a declaration to remove the second respondent from the office of the Trustee of the first respondent Trust and to restrain the second respondent from interfering with the peaceful management and administration of the first respondent Trust and for a direction to render true and proper accounts from 1999 till the actual date of handing over of possession.

8. A counter affidavit had been filed on behalf of the second respondent wherein it had been affirmed that the first respondent is a private Trust and managed by the Hereditary Managing Trustee. The origin of the Trust had also been admitted. It had also been stated that on the death of his father, the petitioner had asked the tenants to pay the rents to him and this was questioned by this second respondent and the other brother Somasundaram and there were exchange of notices in this regard. It had been then stated that the mother, Vijayasaradambal was in possession of the Trust till her lifetime and was maintaining the Trust. It is however claimed that the second respondent was assisting her and after her death, took charge of the management of the Trust.

9. It was stated that the father had executed a Settlement Deed with



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respect to one half portion of the Trust property which was questioned by the second respondent, since at that time, the mother was incharge, she was not in a position to take over the lands from her own daughters. Thereafter, it is claimed that the mother had handed over the Vinayagar Silver Kavacham to the second respondent and directed him to continue to manage the Trust. She died on 13.11.1996. It was stated that the petitioner was never in possession of any of the Trust properties and neither was he in administration of the Trust. It was also stated that the petitioner had filed O.S.No.5342 of 1999 against the second respondent before the City Civil Court, Chennai, seeking a declaration that the second respondent should not be declared as a Hereditary Managing Trustee of the first respondent Trust and that he should be declared only as a court Trustee. The suit was dismissed for non prosecution on 09.02.2004.

10. Thereafter, several Rent Control proceedings have been initiated against the tenants for eviction on the ground of wilful default in the payment of rent. It had been stated that the tenants filed an application to implead the second respondent in the Rent Control Original Petition. It was stated that after being impleaded, the petitioner did not prosecute the eviction proceedings and they were all dismissed for default in December



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2003. It is also stated that the rule of primogeniture will not apply to the present case.

11.It was stated that after the death of the father, B.Santhalinga Mudaliar, the mother Vijayasaradambal managed the Trust property till her death by managing the Trust, by performing poojas and doing all other activities as are required. The second respondent also collected the rents from the tenants and issued rental receipts. It was also stated that the petitioner was never interested in the welfare of the Trust and the petitioner had failed to take part in the guru pooja on Chitra Pournami Day. After the death of his mother, it had been stated that the management of the Trust was only with the second respondent. It was also stated that he had also initiated eviction proceedings against one of the sisters from a shop under her control.

12.It was also stated that in view of the *inter se* quarrels between the petitioner and the second respondent, the tenants had filed a series of Rent Control Petitions seeking to deposit the monthly rent into Court. It was also stated that there were efforts taken to change the name in the Corporation Records and frustrated at refusal, the second respondent had also paid an amount of Rs.26,447/- towards corporation tax. It was stated that the water



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tax had also been paid upto date. It was stated that the petitioner was disqualified as Trustee and it was also denied that the second respondent had taken loan for his personal benefits. Finally, it had been stated that the petition should be dismissed.

13. On appreciation of the rival contentions, the parties were directed to tender evidence.

14. The petitioner examined himself as P.W.1 and filed his proof affidavit. He marked Ex.P1, a letter addressed by the second respondent to the petitioner dated 13.02.2006 and reply to the same dated 20.02.2006 as Ex.P2. He also sent a letter on 22.09.2006 to the second respondent seeking accounts and this was marked as Ex.P3 and the reply was marked as Ex.P4. The petitioner further marked Ex.P5, the copy of the judgment dated 31.03.1956 in O.S.No.809 of 1954 and Ex.P6, the copy of the judgment in A.S.No.74 of 1957 dated 19.02.1959. The judgment in C.S.No.673 of 1997 dated 24.07.2003 was marked as Ex.P7.

15. On the side of the respondents, the second respondent examined himself as R.W.1 and filed his proof affidavit. He marked Ex.R1, the copy



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of the decree dated 07.08.2006 in O.S.No.1053 of 2001 passed by the learned II Assistant Judge, City Civil Court, Chennai, which was filed by the sisters for partition and separate possession of the Trust property. He also marked Ex.R2, the judgment in the said suit in O.S.No.1053 of 2001. During his chief examination, he marked Ex.R3, a letter sent by the second respondent to the petitioner. He marked Ex.R4, the copy of the plaint in C.S.No.673 of 1997 and Ex.R6, the copy of the plaint in O.S.No.5342 of 1999 and Ex.R7, the copy of the petition in R.C.O.P.No.1831 of 1999. The copy of the written statement in O.S.No.5342 of 1999 was marked as Ex.R8. The decree and judgment which had earlier been marked as Exs.R1 and R2, were again marked as Exs.R10 and R11. The petition in R.C.O.P.No.1599 of 2006 was marked as Ex.R12. The rental agreement dated 02.09.2006 was marked as Ex.R13 and the exchange of notices were marked as Exs.R14 and R15. The other documents marked on the side of the respondents were correspondences and documents relating to payment or demand of the statutory dues. The statement of accounts from January 1997 to March 2012 was marked as Ex.R30.

16. The points to be examined and determined are:

(1) Whether the Trust could actually be termed as a



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private Trust?

(2) Whether the petitioner can claim right over the second respondent to manage and administer the Trust?

(3) Whether the petitioner could, as a matter of right seek removal of the second respondent from the first respondent Trust?

(4) Whether the second respondent is obligated to submit accounts during which the Trust was under his control?

(5) Whether the Court can now appoint Trustees to continue with the administration of the Trust, taking into consideration the conduct of both the petitioner and the second respondent?

(6) To what other relief could the Court extend for the better administration of the first respondent Trust?

17. Issue Nos.1 to 4:

The petitioner B.Sundaralingam, I am informed, is now aged nearly about 90 years and his younger brother, the second respondent, B.S.Ramalingam, is aged around 85 years. They have both been at lis over the administration and management of what they both claimed to be the



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properties vested with a private Trust called Satti Paradesi Samadhi and Pillayar Temple Trust. It must be straight away pointed out that there is no Trust deed which regulates the activities of the Trust, the objects of the Trust or placing restrictions on the Trustees. The Trust is a creation of figment of law.

18.Originally as seen in Ex.P5, O.S.No.809 of 1954, had been instituted before the City Civil Court, Chennai, by the father of the petitioner and the second respondent, Santhalingam, seeking declaration and possession and also mesne profits against three defendants. In the said suit, it was the case of the plaintiff that there was a Samadhi known as Satti Paradesi Samadhi and that his uncle Raju Mudaliar was the first Trustee and after his death, his adopted father, Sabapathi Mudaliar, the brother of Raju Mudaliar, became the Trustee and also erected a Samadi for Raju Mudaliar at the said place adjacent to the Samadi of Sadu Satti Paradesi. A small Pillayar temple was also constructed. The daily worship and maintenance of the Samadi was conducted by Sabapathi Mudaliar till his death in the year 1918. He also performed guru pooja on every year in Chitra Pournami Day.

19.The plaintiff claimed that he became the Trustee as the adopted son of Sabapathi Mudaliar. He had permitted the first defendant in that suit in



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O.S.No.809 of 1954, Chidambaram Mudaliar @ Chidambara Swamy to be in permissive occupation of the suit land. Taking advantage of the absence of the plaintiff, due to his service during the war time between 1942 and 1947, the first defendant acted as if he was the Trustee and demolished the out house and changed the name to Vallaiivatti samadhi. He also leased out the lands and started to collect rents of vacant portion of the land. The second and third defendants were lessees in the said land.

20.It was stated that the first defendant had filed O.S.No.1138 of 1952 claiming to be the Trustee and seeking eviction of the second and third defendants. It was also stated that when the plaintiff wanted to implead himself in O.S.No.1138 of 1952, he was directed to file a separate suit seeking a declaration of his right as a hereditary Trustee and for other reliefs. It was under those circumstances that he has filed O.S.No.809 of 1954.

21.The first issue in the suit was whether there was a Trust over the suit property and whether the plaintiff was a hereditary Trustee and was he entitled for a declaration as sought for. The suit went to trial and evidence was adduced.

22.On the side of the plaintiff, he had filed Ex.A2, an extract from



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permanent Register describing Sabapathi Mudaliar as a Trustee for the time being of Satti Paradesi Samadhi and Temple for the years 1918 – 1919.

Similarly, Ex.A3 was also filed again describing Sabapathi Mudaliar as a Trustee and Ex.A4 was also filed in this regard.

23. Taking into consideration the evidence adduced and the documents produced, a judgment was delivered by the learned IV Assistant Judge, City Civil Court, Chennai, on 31.03.1956, answering issue No.1 as stated above in favour of the plaintiff. Thus, it was affirmed that the Trust over the suit property as alleged in the plaint was true and that the plaintiff was the hereditary Trustee entitled to such declaration.

24. Thus, Issue No.1 has to be answered that there is a private trust recognised as Satti Paradesi Samadhi and Pillayar Temple.

25. Issue Nos.2 to 4 in the present petition are whether the plaintiff could claim exclusive right and whether the respondent who is in administration could be ousted from the Trust as alleged in the petition. The right of the petitioner and the second respondent flowed as being the sons of Santhalingam. It must be kept in mind that their father was an adopted son



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of Sabapathi Mudaliar. Therefore, the position of their father and their grandfather had been recognized as Trustees and the fact that the Samadhi and the Pillayar Temple were run not as private properties, but as Trust was recognised by the Court.

26. Section 3 of the Indian Trusts Act, 1882, defines a Trust as an obligation which goes hand in hand with the property and arises out of a confidence reposed in the owner of the land and accepted by the owner for the benefit of another or of another and the owner. In the instant case, It must be kept in mind that there are no written terms of the Trust. It had been recognized as a Trust by a judgment of the Court. In that judgment, directions as to how the Trust should be performed and what are the obligations of the Trustees have not been written down. Therefore, both the petitioner and the second respondent will have to continue to administer the Trust on the basis of the conventions as laid by their father and by their grandfather. In effect, they had to repose the trust which had been placed on them. The alternate word for trust would be the confidence which had been reposed in them. They were expected to administer the Trust if not for their personal benefit atleast to uphold the sanctity and dignity of their fore fathers. If they were to hold late Satty Paradesi with reverence, then what is



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expected is to ensure that the Trust properties are maintained and not wasted away to the disadvantage of the Trust. It should be kept in mind that there is a fine distinction between the maintenance of the properties for the advantage of the Trust and maintaining the properties for the advantage of the Trustees individually. Both the petitioner and the second respondent have put their personal interest foremost and have permitted that to supercede the interest of the Trust. No evidence had been produced that the daily poojas are being conducted, that the guru pooja has been done on every Chitra Pournami Day, that the Samadhi is maintained and the Pillayar Temple is also maintained with due reverence. Having physical control over these properties without any emotional attachment, would not indicate discharge of duties or discharge of confidence reposed on the petitioner and the second respondent.

27.They seem to level allegations of non performance of duty against each other rather than emphasising on performance of duty by themselves. The second respondent for good measure had questioned a Settlement Deed executed by the father in favour of the daughters of what the father termed as adjoining lands of the Temple and the Samadhi. The second respondent had filed a suit and suffered an order of dismissal as being barred by the law



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of limitation.

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28.The petitioner had instituted petitions against the tenants seeking eviction, but when the second respondent was impleaded in the said Rent Control proceedings, the petitioner had permitted the Rent Control Petitions to be dismissed for default. All these would only gain advantage for the tenants and certainly not for either the petitioner or the second respondent and definitely not for the Trust. They do not uphold in any manner the purity of Satti Paradesi who had unfortunately died and for whom, Raju Mudaliar who is one of the great grand uncles of the petitioner and the second respondent, had erected a Samadhi.

29.The claims of the petitioner and the respondents that one is better than the other, will necessarily have to be rejected by the Court. It is also to be noted that they have spent considerable portion of their life in litigating against each other rather than giving way for the other to atleast be the Trustee on a rotation basis.

30.It is the claim of the petitioner that from the death of his father he had continued as a Trustee and owing to his pre-occupation in the field of law, since the second respondent had evinced interest in the administration



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of the Trust in 1999, he had permitted the second respondent to be in management of the Trust. But however, it is the case of the second respondent that on and from the death of the father, their mother administered the Trust, performed the poojas and did guru pooja on every Chitra Pournami Day and collected the rents and issued rental receipts. This fact had not been mentioned in the petition. It is thus seen that after the death of the father, neither the petitioner nor the second respondent had taken immediate control of the Trust, but had, for all practical purposes, also permitted the mother either individually or jointly with either one of them to administer the Trust.

31.The claim of the petitioner that the second respondent stood disqualified would equally apply to him, since similar allegations have been levelled by the second respondent against the petitioner herein.

32.There is one further factor and that is the petitioner is aged 90 years and the second respondent is now aged about 85 years. It is only natural that atleast now after this Original Petition had been litigated for the past 18 years, they must realise that it is time to withdraw themselves to the background and permit the next generation to take control of the Samadhi



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and the Trust, to ensure that there is no further encroachment or breach of rental agreements under which the portions were let out on lease. If that were to continue, then the entire Samadhi and the Pillayar Temple would be engulfed by third party strangers and taken over and the rights would be divested from every member of the family of the petitioner and the second respondent.

33. During the course of trial, a string of documents have been filed and a perusal of the same show that a major portion of them were correspondences between the petitioner and the second respondent levelling allegations against each other. A further portion of them was about various Rent Control Petitions and suits filed again to the disadvantage of the other and which never really ended in any constructive order being passed. A suit was also instituted by one of their sisters seeking partition and separate possession of the Trust property. The other major portion of the documents were the payments made and demand notices received from the statutory authorities towards property tax, water tax and such other charges.

34. So far as the Trust itself is concerned, the only crucial document is Ex.P5, the judgment in O.S.No.809 of 1954 dated 31.03.1956 by the learned IV Assistant Judge, City Civil Court, Chennai. This judgment had given a



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semblance of legal character and legal right to the Trust to which the petitioner and the second respondent are hanging on at this advanced age.

35. Therefore, in view of these discussions, I would hold that it is time that the petitioner and the second respondent, in the interest of the Trust are removed as Trustees and further directions are given for continuation of the Trust by other members and family members of the petitioner and the second respondent and of their younger brother, B.S.Somasundaram, who has since died.

36. As a matter of fact, even his death had been disputed by both the parties with the petitioner claiming that he predeceased the father and the second respondent claiming that he actually died after the death of the father. Even on this fundamental issue of death of their own brother, two divergent views have been given by the petitioner and the second respondent. It is extremely unfortunate that they have taken to heart their grievances against each other to this extent. It is hoped that by the advancement in age, they would realise that it is time that the next generation is brought on to manage the Trust. Issue Nos.1 to 4 are therefore answered that both the petitioner and the second respondent are removed as



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Trustees by this Court.

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The Court will have to give due reverence to the noble personage Satti Paradesi Sannyasi who had migrated over to the Madras and started to live near Arunachaleswarar Temple at Sowcarpet in Chennai. He had a companion, Raju Mudaliar. When he died, Raju Mudaliar had erected a Samadhi in his private land. When Raju Mudaliar died, his Samadhi was also put up adjacent to the Samadhi of the Sannyasi by his brother, Sabapathi Mudaliar. On the death of Sabapathi Mudaliar, his adopted son Santhalinga Mudaliar became the Trustee. Santhalinga Mudaliar is a father of the petitioner and the second respondent. It is thus seen that this noble object of preserving the Samadhi and the Pillayar Temple which had come up, was a duty to be discharged by the family of the petitioner and the second respondent. The Court also has a duty to ensure that the noble object is carried further forward. There has been a definite chain without any break from the time when the Samadhi of Satti Paradesi Sannyasi was put up in the private land of Raju Mudaliar.

38. After the death of the father of the petitioner and the second respondent, their mother Vijayasarambambal had stepped in and continued to manage and administer the Trust. It is when the baton fell to the petitioner



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and the second respondent that disputes arose between the two of them, probably, carried away by their qualifications in law, they had started questioning every act of the other and asserted the rights, but unfortunately they forgot the duties which they have to discharge. Their conduct and also their age have now to be taken into consideration.

39.The Court had entered into a discussion with both the learned counsels for the petitioner and the second respondent and I must place on record that they also understood the nature of their obligations. Accordingly a genealogy table of the family was presented in Court. The petitioner/Sundaralingam had six daughters. The second respondent/Ramalingam had a son who had unfortunately died and has two sons who are still alive and two daughters. Their brother /Somasundaram, who had died, has two daughters. There were arguments presented whether only the male members could be co-opted as Trustees, but from the judgment in O.S.No.809 of 1954, there is no such indication that a lady member of the family stood disqualified from acting as Trustee. Probably, it was felt that they may not be able to perform the poojas, but one precedent is that the mother of the petitioner and the second respondent herself had been conducting the poojas and administering the properties.



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40. There are also tenants and they would only be taking advantage of any difference within the family. Therefore, at this time, when the land value has increased and the tenants are under obligation to pay the fair rent irrespective of the period of tenancy, it is only appropriate that this Court seeks recourse to the family members of the petitioner, the second respondent and the deceased brother, to take over administration of the Trust.

41. In this connection, I am informed and I am sure that such information would have been given on getting proper instructions, that one of the daughters of the petitioner, Smt. Rajalakshmi and one of the sons of the second respondent, Shri. Rajalingam and one of the daughters of their predeceased brother, Smt. Amuthavalli, have expressed their interest in continuing with the family tradition. It is fervently hoped that they would continue to perform the daily poojas for the Samadhi, for the Temple and the guru pooja during the Chitra Pournami Day. It is also fervently hoped that they would continue to maintain and administer the Trust property and not permit third party strangers to take advantage of the differences between the petitioner and the second respondent. It is also hoped that they would take control of the properties which have been let out on rent and ensure that



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proper rent is received and there is no default and that no tenant takes advantage of the differences which existed in the family.

42. There is yet another suit which is now pending namely the suit filed by the sister seeking partition of the Trust property and separate possession of 1/6th undivided share. There is no indication that such suit had attained finality. In that particular suit, to protect the Trust, the three named individuals Rajalakshmi, Rajalingam and Amuthavalli are permitted to take necessary steps to protect the right and the interest of the Trust property, in the manner known to law.

43. Though this Court had deviated from the relief sought for in the petition, taking into consideration the fact that the Trust will have to be maintained, this order is being passed divesting the petitioner and the second respondent of their responsibilities, but rather co-opting as Trustees, Rajalakshmi, Rajalingam and Amuthavalli, from the three branches of the family of Santhalingam.

44. It is stated that the suit instituted by the second respondent in C.S.No.673 of 1997, which had been dismissed as barred by limitation, had been remanded on appeal by the Division Bench and has now been

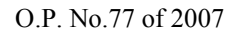


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transferred to the City Civil Court, Chennai and is pending. The Trustees now named, also have a right to either prosecute the suit or to take any decision as deemed appropriate in law. I am deeply conscious that the nature of the order is not what was sought in the petition, but in the interest of the Trust, this order would serve to maintain the Trust property atleast within the family.

45. Section 74 of the Indian Trusts Act, 1882, also gives the Court the power to appoint a Trustee or a new Trustee in accordance with the facts and circumstances.

46. The primary factor would be the wishes of the author of the Trust, the wishes of the person empowered to appoint new Trustee and whether the appointment will promote or impede the execution of the Trust and when there are more than one beneficiary, to upkeep the interest of all the beneficiaries. As repeatedly pointed out, there is no specific author of the Trust and the Trust is a creation of a judgment of the Court and there are no covenants which bind the Trustees to any specific stipulations, but rather places a broad obligation on them to maintain the Samadhi and the Temple and to perform the daily poojas and the yearly pooja and to maintain the



49. This Original Petition is disposed of in accordance with the above directions. No order as to costs. Consequently, connected Application is



closed.

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Index :Yes/No
Internet: Yes/No
vkr

APPENDIX

Petitioner's witness:

P.W.1 – Mr.B.Sundaralingam

Documents marked:



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<i>Exhibits</i>	<i>Documents</i>
P1	The second respondent addressed a letter to the petitioner on 13.02.2006 seeking not interfere in the Trust activities.
P2	Reply to the letter on 20.02.2006.
P3	A letter dated 22.09.2006 sent to the second respondent seeking to furnish accounts of the Trust
P4	Reply to the letter on 03.10.2006
P5	The copy of the judgment passed by the City Civil Court, Chennai on 31.03.1956 in O.S.No.809 of 1954.
P6	The copy of the judgment passed by the City Civil Court, Chennai on 19.02.1959 in A.S.No.74 of 1957.
P7	The copy of the judgment passed by this Court on 24.07.2003 in C.S.No.673 of 1997.

Respondents' witness:

R.W.1 – Mr.B.S.Ramalingam

Documents marked:

<i>Exhibits</i>	<i>Documents</i>
R1	The copy of the Decree dated 07.08.2006 in O.S.No.1053 of 2001 on the file of the II Assistant Judge, City Civil Court, Chennai.
R2	The copy of the Judgment dated 07.08.2006 in O.S.No.1053 of 2001 on the file of the II Assistant Judge, City Civil Court, Chennai.
R3	The copy of the second respondent letter dated 07.01.1980 to the petitioner.
R4	The certified copy of the plaint in C.S.No.673 of 1997 dated 07.07.1997.
R5	The Original Letter dated 12.07.1999.
R6	The certified copy of plaint in O.S.No.5342 of 1999 filed by the petitioner before the City Civil Court, Chennai.
R7	The certified copy of petition in R.C.O.P.No.1831 of 1999 filed by the petitioner dated 07.09.1999.
R8	The certified copy of written statement in O.S.No.5342 of 1999 dated 10.07.2000.
R9	Te original notice dated 01.02.2006 sent by the counsel for the



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<i>Exhibits</i>	<i>Documents</i>
	tenant with cover to the second respondent.
R10	The certified copy of the Decree in O.S.No.1053 of 2001 dated 07.08.2006 passed by the II Assistant Judge, City Civil Court, Chennai.
R11	The certified copy of the Judgment in O.S.No.1053 of 2001 dated 07.08.2006 passed by the II Assistant Judge, City Civil Court, Chennai.
R12	The certified copy of the petition in R.C.O.P.No.1599 of 2006 dated 06.09.2006 filed by one Mr.S.K.Murthy.
R13	The original rental agreement dated 02.09.2006 between the Satti Paradesi Samathi and Sarva Sakthi Vinayakar Temple
R14	The original notice dated 22.09.2006 sent by the petitioner with acknowledgment.
R15	The reply notice dated 30.09.2006 sent by the second respondent.
R16	The copy of notice dated 30.09.2006 to the Assistant Revenue Officer, Zonal Office, Thondiarpet, Chennai with regard to the transfer of name of the petition Trust.
R17	The certified copy of counter statement filed by the second respondent in R.C.O.P.No.1599 of 2006 before the XIII Judge, Small Causes Court, dated 21.11.2006.
R18	The certified copy of the counter filed by the petitioner in R.C.O.P.No.1599 of 2006 before the XIII Judge, Small Causes Court, dated 04.12.2006.
R19	The original property tax receipt bearing No.323946 dated 03.03.2007 in respect of the petition Trust property.
R20	The original rental agreement dated 05.11.2007 between the second respondent and M/s.Bhavani Traders.
R21	The original rental agreement dated 29.04.2009 between the second respondent and one Mr.V.Senthil Nathan
R22	The original letter dated 03.11.2010 from one T.Munusamy addressed to the second respondent along with cover.
R23	The original notice dated 09.11.2010 sent by the petitioner to the second respondent.
R24	The copy of reply notice dated 15.11.2010 sent by the second respondent to the petitioner.
R25	The original rejoinder letter dated 25.11.2010 sent by the petitioner to the second respondent.



WEB COPY



O.P. No.77 of 2007

<i>Exhibits</i>	<i>Documents</i>
R26	The original water tax receipt dated 30.03.2011 in respect of the petition Trust property.
R27	The original Demand Notice dated 03.12.2011 given by the Chennai Metropolitan Water Supply and Sewerage Board in respect of the petition Trust property.
R28	The original EB receipt bearing No.4049815 in respect of the petition Trust property.
R29	The original water tax receipt dated 29.03.2012 bearing receipt No.0290513 in respect of the petition Trust property.
R30	The original Statement of Accounts from January 1997 to March 2012 in respect of the petition Trust Property.

09.07.2024

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O.P. No.77 of 2007

C.V.KARTHIKEYAN, J.

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O.P. No.77 of 2007
and O.A.No.160 of 2007

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