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C.S.No.195 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2024

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

C.S.No.195 of 2022 &

O.A.No.597 of 2022 & A.No.4033 of 2022

1. Nirmal Bhurath
2. Shri Sampathraj Ranka
3. Shri Dhanrajkochar
4. Shri Hastimull Choudhary
5. Shri Pannalal Singhivi
6. Shri Parasamal Vaid
7. Jitendar Kumar Sandaria

... Plaintiffs

VS

- 1 Shree Chandraprabumaharaj Juna Jain Mandir Trust,
Represented by its Secretary
345, Mint Street, chennai – 600 079.
- 2 Thedadabadisri Jin-Kuhalsuriji Jin-Chandrasurihi Trust,
Represented by its Managing Trustee,
No.370, Konnur High Road, Chennai – 600 023.
3. Dr.Gyan Jain

... Defendants

Civil Suit filed under Order IV Rule 1 of High Court O.S. Rules
1956 read with Order VII Rule 1 of CPC for the following reliefs :



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a] to pass an Order for the conduct of elections as provided in the trust deed dated 13.08.1987 of the first defendant trust for purpose of removing previous trust board and electing new trust board appointing,

b] a declaration that the MOU dated 13.12.2021 entered into between the first and second defendants is illegal, null and void.

c] consequently to grant permanent injunction restraining the third defendant from performing any actions in the capacity of the president of the first defendant trust.

d] Mandatory injunction directing the first defendant to conduct its affairs, management and operation of Bank accounts strictly in accordance with its Trust Deed dated 13.08.1987.

c) costs.

For plaintiffs : Mr.S.Namsivaya

For defendants : Mr.K.V.Babu – D1

Mr.D.Ferdinand – D2

Mr.P.Prithvi Chopda – D3

J U D G M E N T

This suit has been filed for conducting election of the first defendant trust, to declare that the MOU dated 13.12.2021 entered between the first and second defendants as null and void, for permanent injunction against the third defendant from performing any actions in the capacity of the President



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of the first defendant trust, for mandatory injunction directing the first defendant to conduct its affairs, management and operation of Bank accounts strictly in accordance with its Trust Deed dated 13.08.1987 and for costs.

2. Before initiation of the suit, leave under section 92 of Code of Civil Procedure has been obtained in Application in A.No.1480 of 2022 on 24.08.2022. Aggrieved over grant of leave by the Single Judge, the first defendant has filed an appeal in O.S.A.No.322 of 2022 and the Honourable Division Bench by an Order 20.11.2023 allowed the appeal, thereby, rejecting the leave sought by the plaintiff. These facts have not been disputed by the learned counsel appearing for both sides.

3. Since the leave granted has been rejected by Division Bench of this Court, this suit is rejected. Consequently, connected applications are closed.
No costs.

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N.SATHISH KUMAR, J.

VTC

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