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A.No.3194 of 2024
in C.S.No.97 of 2023

**Judgment reserved on
26.09.2024**

**Judgment pronounced on
19.11.2024**

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RMT.TEEKAA RAMAN, J.

The third party has filed the application under Order XIV Rule 8 of Original Side Rules r/w Order I Rule 10(2) of CPC, to implead the applicants herein as the defendants 7 and 8 in the main C.S.No.97 of 2023.

2. The brief facts with regard to the checked history of the enquiry are as under:

(a) The applicants are the grandsons of late Sri.Ethirajalu Chetty, who was a reputed businessman from Chennai. The applicant's grandfather along with his brothers ran one of the most successful businesses in the erstwhile Madras Presidency under the name V.Perumal Chetty and sons.

(b) The applicant's grandfather is the younger brother of Sri Vuputtur Alwar Chetty, who founded the third respondent trust on 28.08.1922 and the



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applicant's grandfather was one of the life trustees of the said trust.

(c) Sri Vupputur Alwar Chetty was one of the sons of Late Sri V.Perumal Chetty, who ran the largest stationary house in South India by name V.Perumal Chetty and sons. Sri Vupputur Alwar Chetty and his two brothers, namely, Vupputur Ethirajalu Chetty (applicant's grandfather) and Vupputur Ramanujam Chetty continued to manage the business from their father.

(d) Sri Vupputur Alwar Chetty is the founder trustee with his brother Vupputur Ethirajalu Chetty (applicant's grandfather), his brother Vupputtur Ramanujam Chetty's son, Vupputur Thiruvengadathan Chetty and his son in law Thiru Nagiah Chetty as life trustees. Two gentlemen from Vaishnava Faith namely Rao Bahadur Pothur Ayyana Chetty, Sami Venkatachalapathy Chetty were appointed as trustees for a period of three years from the date of execution of the trust deed.

(e) The respondents 1 and 2 herein are the descendants of Sri Thatha



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Nagiah Chetty. The fifth respondent is the applicant's brother. The fourth respondent is also the descendant of Sri V.Ethirajalu Chetty and the applicant's cousin. Similarly, the sixth respondent is also a descendant of Sri Ethirajalu Chetty and the applicant's cousin.

(f) The defendants/5th respondent herein who is the applicant's brother who are the members of the Vupputur family filed C.S.No.520 of 2015 seeking to restrain the members of the Thatha family from functioning as trustees. The suit was filed to challenge the election of the trust held on 13.05.2015.

3. As against the interim order passed in the main suit in C.S.No.520 of 2015, the then functioning trustees filed an appeal in O.S.A.Nos.315 and 316 of 2017 and there is another suit in C.S.No.289 of 2018 for interfering with the management of the trust and for the removal of Thatha Sampath Kumar as a life trustee. That suit was filed under Section 92 of CPC and leave to sue was also granted. As against the grant of leave to sue, O.S.A.No.218 of 2018 was filed and the same was also dismissed. Pending



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the appeal, a third suit in C.S.No.37 of 2019 came to be filed and the same is also pending. As against the interim order, dated 08.12.2020 that was challenged by the Thatha Sampathkumar in O.S.A.Nos.190 to 193 of 2021, the Hon'ble Division Bench of this Court found that all the persons are indulging in misappropriation of funds or mismanagement of affairs of the trust. Accordingly, dislodged all the parties and appointed the Administrator General and Official Trustee (AG & OT) to take charge over the trust properties. Now the property is under the care and control of the AG&OT and various cases are faced at the various stages. Now the present application is filed by one of the descendants of the founder family.

4. According to the learned counsel, these applicants are the great grandfather's brother, who is the founder trustee and they want to implead in the suit. Since the property is now with AG & OT, three or four cases are pending before the various forums in various suits. As of now, AG & OT is taking care of the administration. Hence, no further orders be passed in this application to multiply the complicity and to create confusion in the management of the trust property by the AG & OT.



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5. In view of the above, this application is dismissed with liberty that after the report of the AG & OT regarding the administration and the scheme, if any, proposed by the AG & OT at that time, it is open to the applicants to move the appropriate application.

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Common order in
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