



A.No.2811 of 2024
in C.S.No.204 of 1915

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Reserved on: 09.07.2024

Pronounced on: 26.07.2024

P.B.BALAJI, J.

This application has been filed seeking permission to sell the land situate in New Door No.18, Kulam Murthursa Street, (Valaja Road) Triplicane, Chennai – 600 002, comprised in O.S.No.249, Old R.S.No.31/1, measuring about 265 Sq.ft of land alone more fully described in the schedule to and in favour of the respondent herein.

2.I have heard Mr.M.Sriram, learned counsel for the applicant and Ms.Keerthana R.Shenoi, learned counsel for the respondent.

3.The learned counsel for the applicant would submit that he is the Managing Trustee of Caku Jaliah Naidu Charities which owns several properties across the State of Tamil Nadu. He would further submit that one Caku Jaliah Naidu had executed a Will dated 30.07.1884, desiring that his property should be used for charitable purposes. After his death, a scheme decree came to be passed by this Court on 26.08.1917 and the properties mentioned in the affidavit numbering 5 are all forming part of the scheme decree. It is also submitted that one of the erstwhile Managing Trustee was



acting detrimental to the interest of the Charity and therefore, an application was moved in A.No.9846 of 2018 seeking to appoint the person as Managing Trustee. The said application was allowed on 27.02.2019 and thereafter, the applicant has been managing the properties of the charities.

4.It is now submitted that in order to meet the objects of the Charity, the properties are required to be sold. He would also bring to my notice that even in an earlier occasion, in and by a common order dated 23.06.2022 in A.No.3004 of 2022, this Court permitted sale of certain items of the properties through an Advocate Commissioner appointed for such purpose. It is submitted that the respondent has come forward to purchase an extent of 265 Sq.ft of land at the value fixed by the Advocate Commissioner, namely Rs.6025/- per Sq.ft. According to the applicant, the said 265 Sq.ft remains after selling the remaining portion of the property in pursuance of the order dated 23.06.2022 in and by a Sale Deed dated 08.02.2024. In fact, it is also submitted that it is the very same respondent who has purchased the remaining portion. In view of the said position, I see no prejudice caused to the interest of the parties in allowing this application.



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5.In fine, this application is allowed and the applicant is granted permission to sell the land in New Door No.18, Kulam Murthursa Street, (Valaja Road) Triplicane, Chennai – 600 002, comprised in O.S.No.249, Old R.S.No.31/1, measuring about 265 Sq.ft. The Sale Deed shall be executed within a period of three months and a copy of the Sale Deed shall be filed before this Court.

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