



Reserved on: 16.04.2024

Pronounced on: 07.06.2024

A. No.5704 of 2023**in****A.No.5189 of 2023****in****C.S. No.721 of 1923****P.B.BALAJI, J.**

This Application has been filed by a hereditary descendant/Trustee of Gopaldas Dwarakadas Family Trust Estate seeking to implead himself as respondent in A.No.5189 of 2023, which has been filed seeking permission to sell the schedule immovable properties to an identified buyer, one Abul Abbas and to consequently invest the sale proceeds in a nationalized bank in a fixed deposit and to utilize the accrued interest therefrom.

2. It is the case of the Applicant seeking to implead himself that the property is being attempted to be sold for a throw away price and without even an agenda or discussion regarding sale of the property at the Annual General Body Meeting held on 26.03.2023, the Application has been moved in A.No.5189 of 2023. There is no necessity for disposing of the property



as sufficient corpus of Rs.1.4 crore is available by way of deposit. The property would fetch Rs.6.50 lakhs per acre which is far in excess of the consideration for which the property is sought to be disposed of. Hence, the Applicant seeks to implead himself.

3. The Managing Trustee of the Applicant Trust has filed a counter denying the claims of the Applicant and contending that the sale is only in the interest and furtherance of the objects of the Trust and the property is being sold only after seeking permission of the Court and therefore, there is no necessity to implead the Applicant.

4. I have heard Mr.N.K.Vanan, learned counsel for the Applicant and Mr.R.Thiagarajan, learned counsel for the respondent.

5. Admittedly, the Application in A. No.5189 of 2023 has been filed seeking permission of this Court to sell the schedule mentioned property. The said Application is also been decided separately. There is no necessity for multiplying the array of parties in the said Application seeking permission of this Court to deal with the property belonging to the Trust.



The Court has already passed a Scheme Decree and the Application seeking permission to sell the schedule mentioned property belonging to the Trust would be dealt in accordance with the said Scheme Decree. The Court is the custodian of the Trust property and hence the Applicant is neither a proper nor a necessary party to the said Application in A.No.5189 of 2023. This Application is devoid of merits and liable to be dismissed and accordingly, the same is dismissed.

07.06.2024

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P.B.BALAJI, J,

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Pre-delivery ORDER in
A. No.5704 of 2023
in
A.No.5189 of 2023
in
C.S. No.721 of 1923
(1/3)

07.06.2024