



A.Nos.6311 & 6312 of 2024
in C.S.No.277 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on : 10.12.2024	Pronounced On: 16.12.2024
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THE HONOURABLE DR JUSTICE G. JAYACHANDRAN

A.Nos.6311 & 6312 of 2024

in

C.S.No.277 of 2024

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1. Mr. Raja Subramani,
S/o. S.R. Subramani Trustee,
Sri Sankara Trust.

2. Mrs. Aishwarya Venketraman,
W/o. Raja Subramani Trustee,
Sri Sankara Trust

Both Plaintiffs having Office at 'Sri Sankara Trust'
No. 10, Medavakkam Tank Road,
Perambur Barracks,
Chennai - 600 010.

And residing at CL 10, Navins Kumarakottam,
No. 16, Radhakrishnan Salai,
Valasajyakkam,
Alwarthirunagar,
Ambattur, Tamil Nadu - 600 087.

... Applicants

Prayer in A.No.6311 of 2024: This application is under Order XIV Rule 8 of the Original Side Rules read with Section 151 of the C.P.C., to call for the entire records pertaining to O.P.No.159 of 1984 and the Order of Probate dated 31/05/1985 pertaining to the Last Will and Testament of T.M.P.Mahadevan



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dated 31/05/1985 on the file of this Honble Court.

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Prayer in A.No.6312 of 2024: This application is under Order XIV Rule 8 of the Original Side Rules read with Section 151 of the C.P.C., to permit the Application to issue a publication in an English and Tamil daily widely circulated and distributed within Chennai, India, regarding the proposed sale of the property of the Applicant Trust situated at Plot No.70, Venkatesapuram Colony, Ayanavaram Village, Chennai 600 023, morefully described in the Schedule of Property forming a part of the Judges Summons filed herewith.

For Applicants :

Mr.Anish Gopi

COMMON ORDER

The suit is filed under Section 92(1)(f) of the C.P.C., by the Trustees of Sri Sankara Trust. The case of the plaintiffs is that the Sri Sankara Trust was established in the year 1965 by T.M.P Mahadevan. The trust deed, dated 26/05/1965 was registered and the author of the Trust has bequeathed his properties, including the suit mentioned property, to the trust through a will dated 31/05/1965. After the demise of T.M.P.Mahadevan on 05/11/1983, the executor named in the will obtained probate of the will in O.P.No.159/1984, *vide* order dated 31/05/1985. After the Founder Trustee, Mr.V.S.Venkataraman and Mrs.Padma Venkataraman were appointed as



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Trustees and they were maintaining the religious and charitable endeavours prescribed by the Founder. After them, the petitioners herein were appointed as Trustees to manage the affairs of the Trust.

2. The suit schedule property need to be sold to utilise the sale proceeds for funding the Sankara Vihar Shrine, a focal point for the Trust's religious activities and a place of devotion for the community. It will also to support various charitable initiatives aligned with the Trust's objectives, including the promotion of Sri Sankara's Advaita Philosophy through educational programs, discourses and spiritual retreats.

3. Therefore, Application No.6311/2024 is filed to call for the entire records pertaining to O.P.No.159/1984 and the order of probate dated 31/5/1985 and Application No.6312/2024 is filed to permit the plaintiffs/applicants to issue paper publication in one issue of English and Tamil daily, widely circulated and distributed within Chennai, regarding the proposed sale of the suit schedule property situated at Plot No:70, Venkatesapuram Colony, Aynavaram, Chennai -23 and to proceed with the sale of the property.

4. The Learned Counsel for the plaintiffs/Applicants submit that,



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in order to proceed with transparently and act in accordance with law, the records pertaining to O.P.No.159/1984 and the probate order dated 31/05/1984 is to be called.

5. Considering the fact that the plaintiffs' Trust need to sell the property mentioned in the schedule to fulfil the purpose of the Trust. The Trustees claim that they got the property through the will of T.M.P Mahadevan. Therefore, for further adjudication in this matter, the records pertaining to O.P.No.159/1984 and the order passed in that Original Petition are to be perused and considered. ***Hence, the Application No.6311/2024 is allowed.***

6. The Registry is directed to place the entire records of O.P.No.159/1984 before the Court for consideration and to pass appropriate orders. Post Application No.6312 of 2024 in C.S.No.277 of 2024 on 06/01/2025.

16.12.2024

Index : Yes/No.
Internet : Yes/No.
bsm

Dr.G.JAYACHANDRAN,J.



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Pre-delivery common order made in
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