



C.R.P.PD(MD)No.764 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

C.R.P.PD(MD)No.764 of 2024

&

C.M.P(MD).No.4269 of 2024

1.The Chairman/The Managing Director
Industrial Development Bank of India Ltd
having corporate office at IDBI Tower
WTC Complex, Cuffe Parade
Colaba, Mumbai-400 005

2.The Industrial Development Bank of India
Trichirapalli Branch
Rep by its Manager
Dukes Complex
No.20, Bharathiar Salai
Cantonment
Tiruchirappall

... Petitioners

Vs.

1.M/s. Alpha Foundation for Education
and Research, registered as Charitable
Educational Trust represented by

1. Dr.Palani, Ex.Chairman

2. Sugunalatha, Ex.Secretary & Treasurer



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2.Karpoor Sundara Pandiyan

.. Respondents

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Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 19.03.2021 passed by the learned II Additional District Judge, Tiruchirapalli in I.A.No. 44 of 2017 in O.S.No.52 of 2011.

For Petitioners : Mr.V.Nagendran

For Respondents : Mr.Vigneswaran for R1

O R D E R

The present Civil Revision Petition filed by the defendants 1 and 2 in the suit i.e., IDBI, bank concerned. The grievance of the petitioners herein is only with regard to certain observations made by the learned trial court while passing the order under revision. The observations reads as under:

“....

Admittedly the plaint pleadings were filed at the instruction of the old trustees. But, after they relieved from the board of trustees, they cannot claim personal interest through plaint pleadings. Hence, the old trustees can file new pleadings in the written statement after transpose as defendants of the



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suit. The old trustees have two options, one is to file fresh suit and another to raise counter claim as defendants. If they file counter claim in the written statement their right can be decided in this suit. Therefore, considering the circumstance of the case and rights of the parties, it is proper to transpose the old trustees as defendants in the suit.”

2. The entire claim of the old trustees in the above applications is only to come on record in the place of the original plaintiff i.e., the trust claiming by virtue of rights said to have been accrued to them by the Memorandum Of Understanding dated 16.10.2014. Now by virtue of the order under Revision, the old trustees are sought to be allowed to come on record as defendants. Even if they are brought on record as defendants, their claim is only for the suit amount in the place of the plaintiffs. There cannot be any additional claim against the defendants 1 and 2 and the defendants 1 and 2 are no way, aggrieved by the observations made as extracted above, and no prejudice would be caused to them if the old trustees are allowed to come on record as defendants.



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3. In the circumstances, and in the light of the observations made herein above, the observations made by the learned trial court does not need any interference.

4. Considering the fact that the suit is of the year 2011, the learned trial court is directed to dispose of the suit as expeditiously as possible at any rate within a period of six months from the date of receipt of a copy of this order. In such view of the same, the Civil Revision Petition is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

22.03.2024.

NCC : Yes/No
Internet : Yes
kpr

To
The II Additional District Judge, Tiruchirapalli



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MUMMINENI SUDHEER KUMAR, J.

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22.03.2024