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C.S.No.103 of.



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.03.2025

CORAM :

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

C.S.No.103 of 2024

- 1.N.Subramanian
- 2.Mrs.C.Geetha
- 3.Mr.B.Venkataramani

- 4.The Mathura Sayee Foundation
Having registered office at
New No.23, Old No.11,
South Gopalapuram, 1st Street,
Chennai – 600 086.

... Plaintiffs

vs.

NIL

... Defendant

Prayer : Civil Suit filed under Order VII Rule 1 and Order and Section 92 of CPC and Under Order 4 Rule 1 of the High Court Madras in its Original Side to pass a decree to permit the Trustees on behalf of Mathura Sayee Foundation to proceed with sale of the schedule mentioned immoveable properties and to utilize the funds of the said sale for achieving the Trust goals set out in the Trust Deed also to pass such other further reliefs.

For Plaintiffs : Ms.V.S.Sowmya



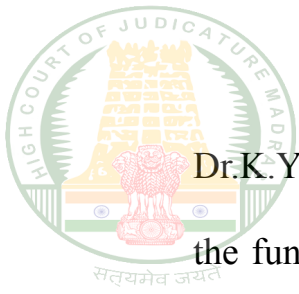
For defendants : NIL

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This instant suit has been filed by the plaintiffs to permit the trustees/plaintiffs on behalf of the Mathura Sayee Foundation to proceed with sale of the schedule mentioned immovable properties and to utilize the funds for the benefit of trust.

2) It is the case of the plaintiff that the plaintiffs are the trustees of Mathura Sayee Foundation, hereinafter referred to as 'Trust'. The said trust is a public, religious, Charitable Trust, founded by its Author Dr.K.Yogam and registered under Trust Deed dated 11.01.2011 and under a supplementary Trust Deed dated 12.02.2016. This trust owns six immovable properties which are either donated and bequeathed by the Author of the trust or purchased by the trust in the funds donated by the author of the trust. The trust uses its resources and assets to accomplish the goals and purposes of the trust as enumerated in the Trust Deed. The trustees appointed by the trust are administering these properties diligently. However, due to declining income generated and the high cost of upkeep and maintenance of these properties over the last few years the Trustees have jointly and unanimously under the Chairmanship of the author of



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Dr.K.Yogam decided to monetise/sell these immovable properties and utilise the funds/sale proceeds generated for furthering and realizing the Trust goals, in respect of the same various resolutions have been passed dated 22.11.2021 and 21.01.2023. All the sale proceeds arising out of the sale of these immovable properties will be reinvested in Government Bonds, securities and deposits in Nationalised Banks as accounts/ deposits standing in the name of the Trust and interest therefrom will be periodically used to achieve the goals set out in the trust deed. The said trust has sole and absolute right over the suit schedule properties free from all encumbrances. The plaintiffs/trustees have been authoired by the Trust to act on behalf of the Trust for the benefit of the trust. Hence, the plaintiffs approached this Hon'ble Court to seek necessary permission to sell the suit schedule properties.

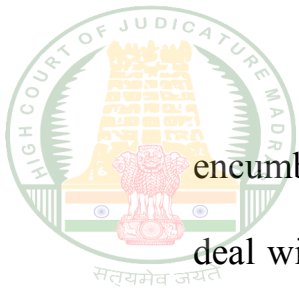
3) On the side of the plaintiffs, Mrs.C.Geetha, the second plaintiff was examined as PW1 and Ex.P1 to Ex.P17 were marked. There is no defendant in the suit.

4) Mrs.V.S.Sowmya, leanred counsel for the plaintiffs submits that the fourth plaintiff is the Trust and the plaintiffs 1 to 3 are the trustees of Mathura Sayee Foundation hereinafter referred as Trust. She would contends, that the



said Trust is a public, religious and charitable Trust, registered under a Trust Deed dated 11.01.2011 which was marked as Ex.P2 and under Supplementary Trust Deed dated 12.02.2016 which was marked as Ex.P3. She further submits that the said Trust has acquired six immovable properties either through donation or bequest from the Author of the Trust Dr.K.Yogam, the sale deed and other conveyance documents were marked as Ex.P10 to Ex.P15. She further submits that the resources and assets of the trust are used for goal and purposes of the Trust.

5) She contends that the income generated from the properties are declined and it costs an arm and leg to maintain these properties, hence, the trust under the Chairmanship of the Author decided to sell the Suit schedule properties and passed resolutions dated 22.11.2021 and 21.01.2023 which were marked as Ex.P7 and Ex.P8. Further, she submits that the sale proceeds shall be reinvested in Government bonds, securities and deposits in Nationalised Banks as accounts/deposits standing in the name of the Trust and the interest therefrom will be used to achieve the goals set out in the Trust Deed. She further submits that the plaintiffs have provided the certificate of valuation setting out the current valuation as well as expected sale price for the suit properties. She contends that the suit schedule properties are free from any



encumbrances and the Trust has sole and absolute right and fully entitled to deal with the properties. She submits that the plaintiffs 1 to 3 were authorized by the fourth plaintiff to act on behalf of the fourth plaintiff. The author of the Trust has also given her express consent for the same. She further contends that to minize the expenditure for maintenance of the suit schedule properties and to accomplish the goals of the Trust, it is necessitated to sell the suit schedule properties for the benefit of the Trust. Hence, she prays to decree the suit as prayed for.

6) Heard the learned counsel for the plaintiffs and perused the materials available on record.

7)It is the categorical case of the plaintiffs that the properties belonging to the fourth plaintiff is not seeking out income to meet the expenditure of the trust to meet out its object. Further, the Schedule IV of the suit schedule has lost its nature of the property due to urbanization and the trust is also unable to develop the property and is a nil income fetching property. They had also produced various documents in support of their case. They have also examined PW1 who has spoken about the claim of the plaintiffs.

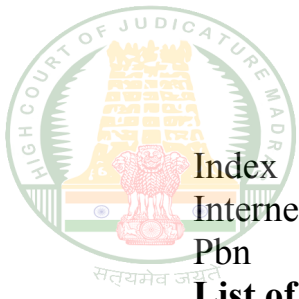


8) From the assertions so made, this Court is also of the view if the plaintiff are permitted to dispose of the suit schedule mentioned properties and invest such sole proceed in the medium indicated by them, it would yield better income for carrying out the objects of the trust and the property of the trust would be better protected.

9. Even though, various Resolutions of the trustees are marked to support the contentions of the plaintiff, it should be seen that a valuation Report has also been marked to ascertain the market value of the property under Ex.P4. A perusal of the Ex.P4 would indicate that it is a self certified valuation done by plaintiffs 1 to 3. No independent approved valuers Report is placed before the Court including the guideline value fixed by the Tamil Nadu Registration Department.

10. In such view of the case, this Court is of the view, if such sale can be permitted only by a public auction duly advertised in any one English and Tamil Daily.

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Index : Yes / No

Internet : Yes / No

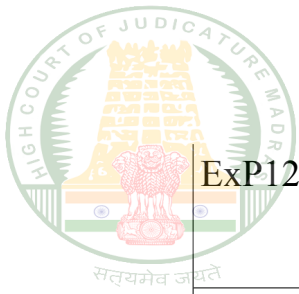
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List of witnesses examined on the side of the plaintiffs:

PW1- Mrs.C.Geetha

List of documents marked on the side of the plaintiff:

Exp1	The authorization letter given to PW1 by the fourth plaintiff trust to adduce evidence in this case.	02.07.2024
Exp2	The certified copy of the trust deed (Compared with the Original)	11.01.2011
Exp3	The certified copy of the supplementary deed of the 4 th plaintiff trust (Compared with the Original)	12.02.2016
Exp4	The valuation certificate in respect of the 4 th plaintiff trust.	
Exp5	The photocopy of the property tax receipt in respect of the 4 th plaintiff trust (Compared with the original)	
Exp6	The online printout of encumbrance certificate for the period 01.01.1998 to 20.10.2022 in respect of the plaint schedule property.	31.10.2022
Exp7	The trust resolution	22.11.2021
Exp8	The trust resolution	21.01.2023
Exp9	The authorization resolution letter	31.07.2019
Exp10	The photocopy of the sale deed in favour of 4 th plaintiff trust (Compared with the Original)	10.10.2012
Exp11	The photocopy of the sale deed executed in favour of 4 th plaintiff trust (Compared with the Original)	28.11.2013



Exp12	The photocopy of the sale deed executed in favour of 4 th plaintiff trust (Compared with the Original)	11.02.2013
Exp13	The photocopy of the sale deed executed in favour of 4 th plaintiff trust (Compared with the Original)	11.02.2013
Exp14	The photocopy of the absolute sale deed executed in favour of 4 th plaintiff trust (Compared with the Original)	14.05.2015
Exp15	The photocopy of the gift deed executed in favour of 4 th plaintiff trust (Compared with the Original)	19.03.2022
Exp16	The photocopy of the settlement deed executed in favour of Ms.Yogam Krishnamoorthy (Compared with the Original)	06.11.2014
Exp17	The photocopy of the settlement deed executed in favour of Ms.Yogam Krishnamoorthy (Compared with the Original)	06.11.2014

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