



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-01-2026

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THE HONOURABLE MR.JUSTICE P. DHANABAL

**OA No.441, 442 of 2025, 443 OF 2025 and 444 OF 2025
in CS NO. 96 OF 2025**

1. A. Sridevi and 3 others
D/o.Atcha Rao, W/o.Nambiraj, NO.1/2,
Royal Enclave, West Natesan Nagar,
M Block, Taisha Housing Board,
Chennai - 600 093 and 3 Others

2. A.Babu
S/o.Atcha Rao, Door NO.8, First Floor,
F-6, BBC West End Apartments, Indira
Gandhi Street, K.K.Salai, Saligramam,
Chennai - 600 093.

3. V.Kala
D/o.Atcha Rao, W/o.Krishnarjuna Rao,
6F, Apple Block, Orchards Apartments,
Arcot Main Road, Vadapalani, Chennai
- 600 026.

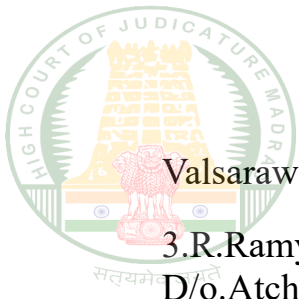
4. Vijayarani
D/o.Atcha Roa, W/o.Kalyan
Chakaravarthy, Door No.A-1-10,
My Home Apartments, Chuttugonda,
Vijayawada, Andrapradesh.

Applicant(s) [common in all Original
Applications]

Vs

1. R. Manoj kumar and 8 others
S/o.RAmarao, No.5/34, Indira Gandhi
Salai, Alwarthirunagar,
Chennai - 600 087.

2.Jaya
D/o.Atcha Roa, Door NO.B1, Plot
No.110, 3rd Street, Jai Nagar,



Valsarawakkam, Chennai - 600 087.

3.R.Ramya

D/o.Atcha Rao, Door No.B1, Plot
No.110, 3rd Street, Jai Nagar,
Valasarawakkam, Chennai - 600 087.

4.A.Kannan

S/o.Atcha Rao, Door No.8, First Floor,
F-6, BBC West End Apartments, Indira
Gandhi Street, K.K.Salai, Saligramam,
Chennai - 600 095.

5.K.Sasthyaveni

D/o.Koteshrao, No.5/34, 2nd Floor,
Indira Gandhi Nagar, Alwarthirunagar,
Chennai - 600 087.

6.K.Someshwara Rao

S/o.Koteshrao, No.5/34, 2nd Floor,
Indira Gandhi Nagar, Alwarthirunagar,
Chennai - 600 087.

7.A.Bharath Rao

S/o.Atcha Rao, Flat No. 1001, Zahrat
A1 Madaen Towers by Kaloti, AI Maja
Z3, Sharjah, United Arab Emirates.

8.A.Madhu

S/o.Atcha Rao, Flat NO.1001, Zahrat
A1 Madaen Towers by Kaloti, AI Maja
Z3, Sharjah, United Arab Emirates.

9.Rajiv School of Excellence

Educational Trust run by Rajiv Gandhi
Educational Trust
Represented by its Authorised
signatory, No.5/516B, Sakthi Sairam
Street, Ganapathy Nagar, Alapakkam,
Chennai - 600 116.

Respondent(s) [common in all Original
Applications]



O.A. No.441 of 2025

PRAYER: To grant an order of interim injunction restraining the respondents their men, agents or anyone claiming through them from in any manner alienating or dealing with the Suit properties hereunder by way of sale, lease, mortgage, joint development, settlement, gift or any other deed pending consideration of the suit.

O.A. No. 442 of 2025

PRAYER: To grant an order of interim mandatory injunction directing the 1st Respondent to deposit the original documents of title, more fully set out in the schedule appended to the Judges Summons, relating to the suit properties to the credit of the suit, pending consideration of the suit.

O.A. No. 443 of 2025

PRAYER: To grant an order to appoint the Applicants as party receivers to collect rents and manage and administer the suit properties morefully set out in the schedule appended to the Judges Summons, pending consideration of the suit.

O.A. No. 444 of 2025

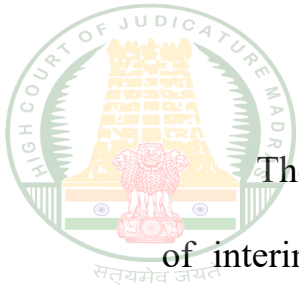
PRAYER: To grant an order of interim injunction restraining the 1st Respondent from holding office in the 9th Respondent, pending consideration of the suit.

For Applicant(s): M/s.R.Thiagarajan
Vasudha Thiagarajan
A.Raj Prince

For Respondent: Mr. V. Raghavachari,
Senior Counsel
for Mr. B. Sumithra [for R9]
Mr. R. Lakshmi Narasimhan [for R1]

COMMON ORDER

This application in **O.A. No.441 of 2025** has been filed to grant an order of interim injunction restraining the respondents their men, agents or anyone claiming through them from in any manner alienating or dealing with the Suit properties hereunder by way of sale, lease, mortgage, joint development, settlement, gift or any other deed pending consideration of the suit.



The application in **O.A. No.442 of 2025** has been filed to grant an order of interim mandatory injunction directing the 1st respondent to deposit the original documents of title, more fully set out in the schedule hereunder, relating to the Suit properties to the credit of the Suit, pending consideration of the Suit.

The application in **O.A. No.443 of 2025** has been filed to grant an order of appoint the applicants as party receivers to collect rents and manage and administer the suit properties more fully set out in the schedule hereunder, pending consideration of the Suit.

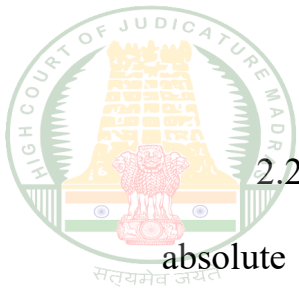
The application in **O.A. No.444 of 2025** has been filed to grant an order of interim injunction restraining the 1st respondent from holding office in the 9th respondent pending consideration of the Suit.

2. The applicants are the Plaintiffs in the Suit, which was filed for the reliefs of partition and separate possession in respect of Schedule A and B properties; for a declaration that the Settlement Deed executed by the 1st defendant as Power of Attorney Agent of Late Nageswari @ Geetha dated 23.03.2022 as illegal and consequently not binding on the Estate of Late Nageswari @ Geetha; for the relief of declaration that the defendant holding office in the 9th defendant pursuant to an alleged testamentary disposition is



illegal and invalid and consequently to appoint any other Class-II Legal heirs in his place; and to grant a decree of permanent injunction restraining the defendants, their men, agents, servants, anyone other person / persons claiming through them from any manner altering the management of 9th defendant and or from drawing or operating the bank account of the 9th defendant held in the name of the 9th defendant Trust.

2.1. According to the applicant, A schedule properties are the immovable properties and B schedule properties are movable properties belonging to the estate of Late Nageswari @ Geetha. The said Nageswari @ Geetha died intestate and issueless. As such, the properties owned and possessed by her shall devolve upon her Class II Legal heirs, who have been arrayed as Plaintiffs and the defendants 1 to 8 in the Suit. The Plaintiffs and the defendants 2 to 4, 7 and 8 are the sons and daughters of late Satyavathi and Atcha Rao. The maternal aunt of the Plaintiffs namely Nageswari @ Geetha, who was living with Ramamurthy @ Vazhapadi Ramamurthy, as husband and wife, due to long cohabitation. However, she died intestate and issueless on 13.11.2022 at Chennai and as such her properties devolved upon the legal heirs of Sathyavathi, Sathyanarayana and Mariammal @ Meena. The School run by late Nageswari @ Geetha is ranked as the 9th defendant herein.



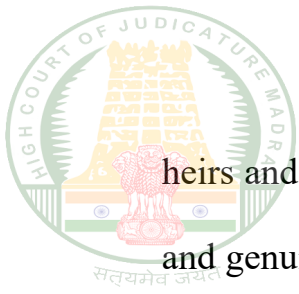
2.2. The 1st respondent / 1st defendant R. Manoj Kumar is claiming right, absolute title and interest in the properties as a beneficiary under an alleged testamentary disposition purportedly executed by Nageswari @ Geetha, which has never seen the light of the day. In fact, the applicant had been looking after her comforts and convenience and was always with the deceased Nageswari @ Geetha along with duty nurses, since she was ailing from Cancer. To the knowledge of the applicants, the deceased Nageswari @ Geetha has not executed any testamentary disposition in respect of the properties. The 1st respondent / defendant is the Plaintiff's maternal cousin, who is the only son of their aunt Mariammal @ Meena. After the demise of Nageswari @ Geetha, the Plaintiffs have been insisting for the partition over the properties, but the respondents 1 to 6 gave evasive answers and replies and they refused for amicable partition and therefore, they filed the Suit.

2.3. The 1st respondent had proclaimed that Geetha Venganna has executed a registered Will dated 23.03.2022 bequeathing all her properties in favour of R. Manoj Kumar and he would further contend that he has assumed office as the Managing Trustee of "Rajiv School of Excellence Educational Trust", the position held by her, after her life time pursuant to the alleged testamentary disposition. The said Nageswari @ Geetha Venganna was suffering from breast cancer and she had undergone treatment and the Plaintiffs



were attending to Ms. Nageswari @ Geetha from 2019 onwards. The said Nageswari @ Geetha did not have sound disposing state of mind during the relevant period of the purported Will executed in favour of the 1st respondent and the Settlement deed in favour of the 5th respondent. The 1st respondent has been lavishly spending the moneys belonging to Nageswari @ Geetha and disposing the tangible assets one after the others apprehending that the Plaintiffs may ask for a share and that he would be liable to render accounts to the sharers who shall be entitled to a share in the estate of Ms. Nageswari @ Geetha.

2.4. A perusal of the Will would indicate her signature in the blank papers have been surreptitiously secured and the Will has been manipulated and fabricated and that sought to be relied upon by the 1st respondent as sole beneficiary under the Will dated 23.03.2022 in respect of all her properties. From and out of the funds of late Nageswari @ Geetha, the 1st respondent has purchased a new flat in T.Nagar in addition to one which is already owned and possessed by her at Vaidyaraman Street, T.Nagar, Chennai. All the title deeds and documents were kept by her in her custody and the 1st respondent has stealthily removed the same and is holding it in his custody without any authority. Since the validity of the Will is yet to be established in a manner known to law, the 1st respondent is not entitled to act unilaterally, arbitrarily, whimsically as if he is the absolute owner thereof. There are about 12 legal

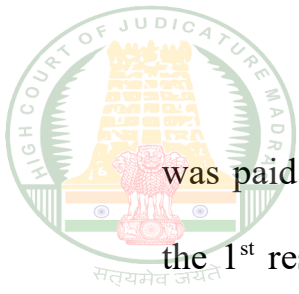


heirs and each branch shall be entitled to 1/3rd share. Till such time, the validity and genuineness of the alleged Will is established in accordance with law, the 1st

respondent cannot claim any absolute right of ownership over the properties.

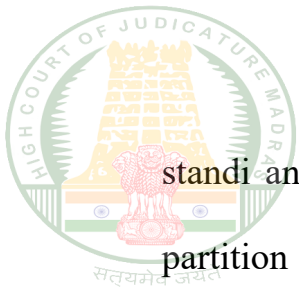
Since there is constant threat of wrongful alienation by the 1st respondent, if he is allowed to meddle with the estate of Nageswari @ Geetha and if third parties rights are created in respect of the Suit schedule properties, the Plaintiffs shall not be in a position to realise the fruits of the decree.

2.5. There is strong apprehension that the 1st respondent, who is not a qualified person and is incapable of managing and administering the Rajiv Gandhi Educational Trust, which runs Rajiv School of Excellence at present may deal with the school like it is his personal property by either selling the properties or change the composition of the board or part with the administration of the school in favour of any other entity. The objects of the trust are commendable and Rajiv School of Excellence with a matriculation cum Higher Secondary School which was started in a small way in 1997 has grown leaps and bounds and has received excellent recognition and has about 1200 students and 80 teaching and non-teaching Staff. The main object of the Rajiv Gandhi Educational Trust is to run education institutions for the wards of poor downtrodden, backward classes and other weaker sections of the society. As a matter of fact, after the properties were acquired in the name of the Rajiv College of Excellence Educational Trust, patta was obtained in its name and kist



was paid in the name of the Trust by V. Nageswari @ Geetha. However, after the 1st respondent usurped the power and started managing the institution and the properties, there has been larger scale maladministration siphoning of funds, acts as mischief and dissipation. The applicants learnt that the 1st respondent is misappropriating the funds realized by the 9th respondent way of tuition fee and has been committing large scale irregularities and illegalities in the administration of the institution and also misappropriating large sums of funds without any check and control and has been spending lavishly. Unless there is a proper check and control over the 1st respondent, for the amount realized by the 9th respondent, by way of fee and other collections towards payment for purchase of Book Note books by the students is being siphoned by the 1st respondent who is acting detriment to the interest of the trust as well as the other co-sharers. Further, the 1st respondent has been alienating and dealing with the properties belonging to the estate of Nageswari @ Geetha and has been usurping and siphoning the funds. Therefore, the applicants filed the Suit and also filed applications for interim injunction, mandatory injunction, for appointment of party receivers and for permanent injunction from the 1st respondent from holding office in the 9th respondent pending consideration of the Suit.

3. The 1st respondent filed a counter denying the averments made in the affidavit. According to the respondents, the applicants / Plaintiffs have no locus



standi and they do not have any legal right to file the present Suit and seeks partition of the schedule mentioned properties which are all absolute self acquired properties of the Nageswari @ Geetha. The applicants have suppressed the material facts and filed the Suit. The said Nageswari @ Geetha had executed a registered Will dated 23.03.2022 to and in favour of the 1st respondent. The Plaintiffs have not even produced the copy of the Will dated 23.03.2022. The respondents 2 to 9 are noway connected with the Suit schedule properties. The averments made in the affidavit that the Plaintiffs had been looking the comforts and convenience of the deceased Nageswari @ Geetha along with duty nurse are all denied. In fact, he had been looking her mother during her life time and the applicants are noway had relationship with the deceased Nageswari @ Geetha. The averments made in the affidavit that the Plaintiffs are demanding partition are all denied. The applicants have no any right over the properties and there is no notice to demand for partition. The deceased Nageswari @ Geetha participated in the birthday celebration of the daughter of the 2nd respondent. The 'B' schedule properties mentioned in the Plaint are denied and the same are imaginary. The actual name of the deceased Nageswari @ Geetha is Geetha Ramamurthy and she was called as Nageswari in her childhood.



3.1. The 1st respondent has been running the Trust effectively and sincerely without spoiling the objective of the Trust and no bad remarks foisted by any of the parties against the Trust. As per the wish of the deceased Nageswari @ Geetha, the Trust has been running by following the objectives of the Trust and the allegations levelled in the application are not true and the applicants are trying to divert the actual facts by imposing the false allegations as against the 1st respondent. The said deceased Nageswari @ Geetha had executed a Settlement Deed dated 23.03.2022 in favour of the 6th respondent in respect of the property situated in Vaidyaraman Street, T.Nagar, Chennai. Since the properties are self acquired properties of the deceased Nageswari @ Geetha, she executed a Will in favour of the 1st respondent and after her demise, the Will came into effect. The 1st respondent had already filed a petition for letters of administration against the said Will dated 23.03.2022 in O.P. No.163 of 2025 on the file of this Court. In fact, the 1st respondent has been running the School perfectly without any black marks for many years after the demise of the said Nageswari @ Geetha. There is no chance for mal administration and siphoning of funds as alleged in the affidavit. The Trust has been running only without any complaint from any quarters. The reliefs sought for by the applicants are not at all maintainable in law. As the properties are absolutely self-acquired properties of the deceased Nageswari @ Geetha, she executed a Will dated 23.03.2022 and the letters of administration was also granted in favour of the 1st



respondent. Therefore, the applications are not maintainable and the same are liable to be dismissed.

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4. The learned counsel appearing for the 6th respondent has filed a counter stating that the averments made in the affidavit are all denied as false. The maternal aunt of the 6th respondent namely V. Geetha, who is the wife of Mr. Ramamurthy, died intestate on 13.11.2022 at Chennai. The said Geetha adopted the 1st respondent as her son on 19.08.2007. In the said Adoption Deed, the 3rd Plaintiff Kala has signed. The said Geetha had also executed a Will dated 23.03.2022 bequeathing her properties in favour of the 1st respondent. The 6th respondent is also one of the attesting witnesses in the Will. The deceased has also executed a Settlement Deed dated 01.04.2022 in favour of the 6th respondent in respect of the immovable property situated at Vaidyarama Iyer Street, T.Nagar, Chennai. The 6th respondent is one of Trustees of the Rajiv College of Excellence Educational Trust and he was removed from the Trust due to his health condition. Consequently, his son Jai Vidhuran was appointed as a Trustee in his place. At present, the Rajiv College of Excellence Educational Trust consists of five Trustees and the Trust has been fulfilling its objectives upto 21.08.2025 without any default. The allegations regarding the large scale maladministration, siphoning of funds and acts of mischief are denied. The Managing Trustee has been properly administering the Trust. For



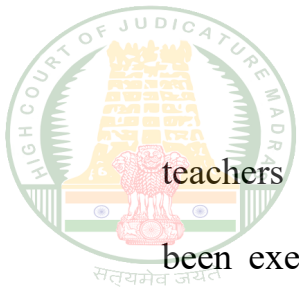
the purpose of managing the Trust, certain properties were mortgaged by the trust, after obtaining the necessary consent through a resolution. The details of immovable properties mentioned in the schedule 'B' are imaginary and fabricated. The applications as well as the Suit are liable to be dismissed for non-joinder of necessary parties and for non-inclusion of the father of the 1st respondent Mr. Ramarao. Therefore, these applications are liable to be dismissed.

5. The 9th respondent School has filed a counter stating that all the allegations leveled in the affidavit are denied as false. The founder of the Trust i.e., V. Geetha, formed a public trust namely "Rajiv Gandhi Educational Trust" and Deed of Trust was executed on 14.06.1996. As per the Trust Deed, the jurisdiction of the legal Suits shall be only within Chengai-MGR District. The Plaintiffs have filed to obtain leave from this Court for filing a Suit against the 9th respondent which is situated outside the territorial jurisdiction of the Court and this Court has no jurisdiction to entertain the Suit. Before filing the Suit against a Public Trust on the ground of breach of trust under Section 92 of Code of Civil Procedure, they ought to have obtained leave from the Court, which is mandatory. The 9th respondent was permitted to manage the Trust only till 21.08.2025 and thereafter, the Advocate Receiver alone was permitted to take charge of the Trust from 21.08.2025 onwards. The Rajiv College of Excellence



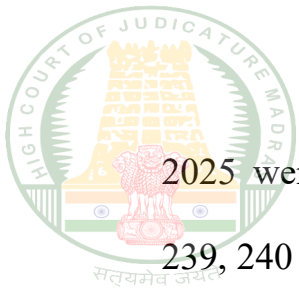
Educational Trust is being run by five Trustees and the Trust is carrying out its objectives of rendering education to children, thereby fulfilling the objects and aims of the testator, namely V. Geetha.

5.1. It is true that the Testator had executed a registered Will dated 23.03.2022 in favour fo the 1st respondent. The Trust has not received any complaint of mismanagement or maladministration from any quarter. The Trust has been running without any interference or complaint from any third party until 21.08.2025. Certain properties were mortgaged with a finance company by the 1st respondent with the sole objective of expanding the Trust to render educational benefits to a larger number of students across Tamil Nadu. The Trust stood as a co-borrower of mortgaged property. The said mortgages were created much earlier than the filing of the present Suit. The Trustees, including the Managing Trustee, used to borrow funds from third parties for maintaining monthly school expenses whenever there is shortage of expenses and all such amounts were deposited into the Trust account for running the Trust peacefully until 21.08.2025. There was no order restraining the Managing Trustee from operating the bank accounts till 21.08.2025. Until such time, the Managing Trustee was managing the Trust funds and had properly deposited all the funds received from Rajiv School of Excellence after obtaining necessary consent from the other Trustees. The Advocate Receiver has no authority to remove



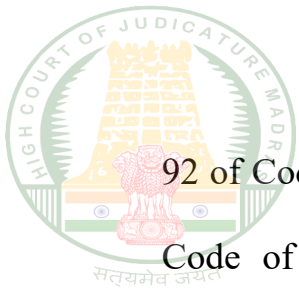
teachers from the Rajiv School of Excellence and the Advocate Receiver has been exercising powers beyond the authority conferred upon him vide order dated 21.08.2025 and he interfered in the administration of the School by attempting to change teachers, remove Staff members and mismanaging affairs, which had resulted in the closure of the School. The Advocate Receiver is not a competent person to manage the School and the School is being run without proper management. The Advocate Receiver has made false allegations and filed memos. Therefore, the applications are liable to be dismissed.

6. The learned counsel appearing for the applicants would submit that the applicants are the Plaintiffs and they filed the Suit for partition and for other relieves. Originally the Suit property belonged to their aunt namely Nageswari @ Geetha and she died intestate and issueless. The Suit property belonged to the said Nageswari @ Geetha. The Plaintiffs and the defendants are entitled to the Suit properties. The 1st respondent falsely claiming that the deceased Nageswari @ Geetha had executed a Will dated 23.03.2022. In fact, the said Nageswari @ Geetha was affected by Cancer and she was taken care by the applicants / Plaintiffs. By creating false documents, the 1st respondent is attempting to grab the Suit properties and he attempted to alienate the said properties and he is acting against the interest of the Trust and therefore, they filed these applications. Already the applications in O.A. Nos.441 to 444 of



2025 were allowed and the respondents preferred respective appeals in 259, 239, 240 and 241 and the Hon'ble Division Bench set aside the orders passed by this Court. However, the Division Bench directed that the playground should be made available to the students of the Institution until further orders of the learned single Judge and there may not be any encumbrances created on the suit properties by any of the parties to these proceedings until further orders on this account by the learned single Judge. The 1st respondent had mortgaged the property for huge amount and mismanaged the Trust accounts and there is a maladministration and therefore, it is necessary to pass interim orders till the disposal of the Suit.

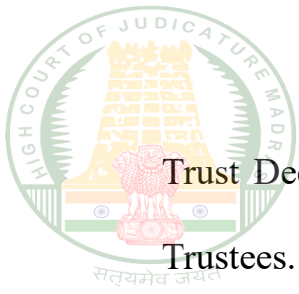
7. The learned counsel appearing for the respondents would submit that filing of the Suit itself is not maintainable and the deceased Nageswari @ Geetha had created the Trust. In the Trust Deed itself, the 1st respondent was appointed as 'Managing Trustee' and thereafter, the said Nageswari @ Geetha executed a Will dated 23.03.2022 and as per the said Will, the 1st respondent is entitled to properties. Therefore, the Suit itself is not maintainable. As far as the relief in respect of the Trust is concerned, no permission was obtained through this Court as against the Trust properties, which are situated outside the jurisdiction of this Court and the direction sought for in the Suit is for removal of Trustees and thereby, the applicants ought to have filed the Suit under Section



92 of Code of Civil Procedure by following the procedures under Section 92 of Code of Civil Procedure after obtaining leave from the Court, but those mandatory procedures have not been followed in this case. Therefore, these applications are liable to be dismissed and taking advantage of the orders passed by this Court, the Advocate Receiver is interfering with the administration of the Trust School is unnecessary and there is no any complaint as against the administrator of the Trust and the appointment of Advocate Receiver is not a necessary one. The 1st respondent is only managing the Trustee and other than the Managing Trustee, other Trustees are also available. Therefore, the applications are liable to be dismissed.

8. Heard both sides and perused the entire materials available on record.

9. In this case, already this Court disposed of all the applications in O.A. Nos.441 to 444 of 2025 through a common order dated 07.07.2025, wherein this Court allowed the applications in O.A. No.441 of 2025, 443 of 2025 and 444 of 2025 and appointed one Mr. Kasi Kumar, Advocate as an Advocate Receiver to administer the 9th respondent. Aggrieved by the said order, the respondents have filed appeals in O.S.A Nos.259, 239, 240 and 241 of 2025. The Hon'ble Division Bench of this Court set aside the common order passed by this Court in the said original applications on the ground that the learned single Judge recorded that the Trust has been running only with a sole Trustee, whereas the



Trust Deed provides for the appointment of a Board of Trust comprising five Trustees. It is the case of the appellants that the appointment of the other Trustees has also been made. To demonstrate this, they have filed an additional compilation containing 16 documents. Those documents have not been referred in the order. Therefore, the matter was remanded back to this Court and the applicant was permitted to make an application for consideration of the documents from Sl. Nos.1 to 16 as additional documents and include any other documents that he may rely upon and produce them before the learned single Judge, who may, at his discretion admit the same, and pass orders in the applications denova after affording opportunity to respondents as well. All contentions are left open to be placed before the learned Judge. As the matters are being remanded solely to afford opportunity to the appellant to put forth their case on the strength of the additional documents now produced, if admitted by the learned Judge, they make it clear that the appointment of the Administrator is not disturbed. Therefore, in view of the order passed by the Hon'ble Division Bench of this Court, now the matters have been heard by this Court afresh.

10. According to the applicants, the applicants' aunt namely Nageswari @ Geetha died intestate leaving behind her the applicants and the respondents as her legal heirs to succeed her estate and the deceased Nageswari @ Geetha



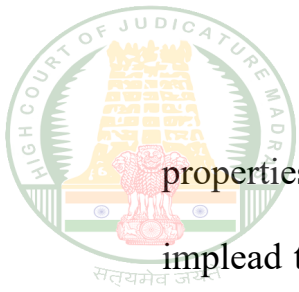
had created the Trust and now due to the maladministration of the 1st respondent, the applicants have filed a Suit for partition over the properties of the deceased Nageswari @ Geetha and also prayed to remove the Trusteeship of the 1st respondent and to appoint any other person from the legal heirs of the deceased Nageswari @ Geetha as a Managing Trustee. According to the respondents, the deceased Nageswari @ Geetha had created the Trust through a Trust Deed dated 14.06.1996 and the said Trust was managed by the Managing Trustee. During her lifetime, she appointed the 1st respondent as Managing Trustee of the said Trust.

11. The applicants / Plaintiffs have not denied the Trust created by the deceased Nageswari @ Geetha and the copy of the said Trust Deed has been produced as document No.I. Further the respondents have produced the copy of the Deed of Amendment of Trust dated 15.10.2022, wherein the said Managing Trustee Geetha stated in the Deed that Rajiv College of Excellence Educational Trust will take control over the Rajiv Gandhi Educational Trust and the registered office address objectives of the Trust By-Laws and rules stands merged with the Rajiv College of Excellence Educational Trust as per the above Resolution dated 18.03.2010, the Existing Trustees namely Mrs. V. Geetha- Managing Trustee, Mr. R. Manoj Kumar – Trustee and Mr. Someswara Rao – Trustee. Hereafter all the affairs, including administration, banking related



activities namely development of the Trust having lending powers from the financial institution and in addition by raising loans by mortgaging the assets and properties of the Reconstituted Rajiv College of Excellence Educational Trust shall be controlled, maintained, operated and administered by Mr. R. Manoj Kumar- Trustee as per the Resolution dated 03.01.2022 of the Existing Trustee namely Mrs. V. Geetha – Managing Trustee, Mr. R. Manoj Kumar – Trustee, Mr. Someswara Rao – Trustee. With respect to the other Clauses of the Principal Trust Deeds shall henceforth be read and construed as one Document of the Present Reconstituted Trust Deed. Therefore, from the above Deed of Amendment of Trust dated 15.10.2022, it is seen that the founder of the Trust and Managing Trustee namely Geetha herself authorised the 1st respondent to control, maintain, operate and administer the Rajiv College of Excellence Educational Trust as Trustee and further, the 1st respondent is relying upon the Will executed by the said Nageswari @ Geetha dated 23.03.2022.

12. It is an admitted fact that the said Geetha died on 13.11.2022 and thereafter, the applicants have filed a Suit in the year 2025. The 1st respondent is managing the Trust along with other Trustees. The applicants sought to remove the 1st respondent from the Trusteeship of the Trust, thereby they ought to have filed the Suit under Section 92 of Code of Civil Procedure with the leave of the Court. But the Suit is filed for the relief of partition over the



properties and other reliefs. Further the petitioners also filed applications to implead the trust as party to the Suit and the same are also pending. Once the respondents relied the Will, the same has to be decided through trial and at this stage, the prayer sought for by the applicants cannot be considered.

13. There are no grounds for appointment of Advocate Receiver to administer the 9th respondent Trust and as far as the School is concerned, the Advocate Receiver is not a competent person to manage and maintain the School and there should be some administrative skills for administering a School. Even as per the Deed of Amendment of Trust dated 15.10.2022, the Rajiv College of Excellence Educational Trust will take control over the Rajiv Gandhi Educational Trust and the registered office address objectives of the Trust By-Laws and rules stands merged with the Rajiv College of Excellence Educational Trust. But the Suit has been filed as against the 9th defendant in the name of Rajiv School of Excellence Educational Trust. Therefore, on the date of the filing the Suit, the said Rajiv School of Excellence of Educational Trust was not in existence. Therefore, the prayer sought for by the applicants in respect of the appointment of Advocate Receiver for the management of Rajiv School of Excellence Educational Trust is not proper. Now only the applicants have taken steps to implead the Rajiv College of Excellence Educational Trust and further, the 1st respondent alone is not maintaining the Trust and other Trustees are also available to manage the Trust. Therefore, if any allegations



against the 1st respondent, the other Trustees can also take care of the Trust properties. Even according to the applicants, they are claiming the properties through her aunt Nageswari @ Geetha and the respondents are relying upon the Will. Therefore, the same can be decided after full trial.

14. Further the applicants have not produced any documents to show that the respondents misappropriated the properties of the Trust and there is a maladministration by the respondents. Mere allegations are not sufficient and the applicants have not produced any documents and the only allegation raised by the applicants is that the respondents have mortgaged the property for huge amount. The respondents also admitted the mortgage of the properties, but according to them, they mortgaged the properties for the welfare of the Trust. Therefore, these aspects have to be tested through trial. However, the properties were already subjected for encumbrance and further encumbrance cannot be made by the respondents without permission of the Court. Therefore at this stage, appointment of Advocate Receiver will affect the administration of the School. The 1st respondent and the Board of Trustees are directed to produce the account for the School before this Court once in 6 months i.e., at the end of October and the end of April on every year till the disposal of the Suit. The Advocate Receiver is ordered to be relieved and to handover the charge of administration of the School within a week to the Board of Trustees and the Board of Trustees have to administer the School, till the disposal of the Suit.



15. As far as the relief in respect of the mandatory injunction and in respect of the deposit of the original title deeds are concerned, these aspects can be decided after full trial and not at this stage, since elaborate evidence is required.

16. With the above said observations, the applications in ***O.A. No.442, 441 and 444 of 2025*** are ***dismissed and the application in O.A. No.443 of 2025 is disposed of.***

07-01-2026
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Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

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