



CRP.No.1714 of 2025

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 11.09.2025**

**CORAM:**

**THE HON'BLE MR. JUSTICE M.JOTHIRAMAN**

**CRP.No.1714 of 2025**

**CMP.No.9898 of 2025**

1.N.Jayakumar  
2.N.Vijayakumar  
3.N.Ramkumar

... Petitioners / Defendants 1 to 3

vs.

1.M/s.Venkateswara Aranilaya Trust,  
Appanaickenpatti, Sulur Taluk,  
Rep by its Managing Trustee,  
Sulochana, W/o.A.R.Gurusamy (Late),  
Appanaickenpatti Village, Sulur Taluk,  
Coimbatore District. Rep by her Power Agent,  
G.Venkaramachandran @ Ramachandran,  
S/o.A.R.Gurusamy, Rukmani Nagar,  
Ramanathapuram, Coimbatore.

.. 1<sup>st</sup> Respondent / Plaintiff

2.The Sub-Registrar,  
Sulur, Coimbatore – 641 402.

... 2<sup>nd</sup> respondent / Respondent

**Prayer:** Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 27.01.2025 passed in I.A.No.08 of 2024 in O.S.No.227 of 2021 on the file of the District Munsif Court, Sulur.



CRP.No.1714 of 2025

WEB COPY

For Petitioner : Mr.R.Bharathkumar

For Respondents : Ms.R.Muthu Srinithi, for R1  
Mrs.R.Anitha,  
Special Government Pleader for R2

**ORDER**

The order under challenge is to the order dated 27.01.2025 made in I.A.No.8 of 2024 in O.S.No.227 of 2021, on the file of the District Munsif Court, Sulur.

2. The suit was filed by M/s.Sri Venkateswara Aranilaya Trust, represented by its Managing Director, Sulochana Guruswamy, against one N.Jayakumar / 1<sup>st</sup> defendant, N.Vijayakumar / 2<sup>nd</sup> defendant, N.Ramkumar/ 3<sup>rd</sup> defendant and the Sub Registrar, Sulur / 4<sup>th</sup> defendant, seeking the relief of Declaration that the suit schedule property absolutely belong to the plaintiff and for permanent injunction against the 4<sup>th</sup> defendant from registering any document in respect of the suit property and for permanent injunction against the defendants 1 to 3 not to alienate / encumber the portion of the suit schedule property covered under the Partition Deed dated 30.03.1998.



CRP.No.1714 of 2025

WEB COPY

3. The 1<sup>st</sup> defendant has filed a written statement and the defendants 1 and 2 adopted the same. In the meanwhile, one Venkatramachandran @ Ramachandran has filed an application under Order III Rule 2 CPC in I.A.No.8 of 2024 in O.S.No.227 of 2021, permitting him to conduct the suit on behalf of the plaintiff. M/s.Venkateswara Aranilaya Trust, represented by its Managing Trustee, Sulochana Guruswamy, as her Power of Attorney Agent. The contesting defendants 1 to 3 have filed their objections in the said application. Upon considering the arguments advanced on either side, the Court below has allowed the petition on 27.01.2025 on the ground that under Order III Rule 2 CPC, there is no specific provision restraining the trustees to appoint an Power Agent to contest the Suit. If any contention raised by the contesting defendants, they are at liberty to adjudicate the same during trial. Being aggrieved over the same, the defendants 1 to 3 have preferred this instant revision petition.

4. The learned counsel appearing for the petitioner has made the following contentions:

4.1. The Court below has committed an error in allowing the



CRP.No.1714 of 2025

WEB COPY

application in I.A.No.8 of 2024, filed under Order III Rule 2 CPC by the plaintiff in a suit, in the capacity of Trustee of the Public Charitable Trust.

4.2. A trustee cannot delegate his office or any of his duties either to a co-trustee or to a stranger, unless (a) the instrument of trust so provides, or (b) the delegation is in the regular course of business or (c) the delegation is necessary or (d) the beneficiary being competent to contract, consents to the delegation.

4.3. Even if the trustee wants to delegate his officer or any of his duties either to a co-trustee or to a stranger, then there should be resolution passed by the Board of Trustees to that effect.

4.4. In the absence of a Trust Deed empowering the Managing Trustee to delegate her powers to a stranger and a Trust Board Resolution authorizing a stranger to act as an agent.

4.5. In respect of public trust, only the Trustees who figure in the proceedings can conduct the proceedings and the Managing Trustee cannot avoid the witness box.

4.6. The Court below has failed to consider that mere Power of



CRP.No.1714 of 2025

WEB COPY

Attorney is improper in the matter of Public Trust and the lack of authorization and competence of the agent goes to the root of the issue.

5. *Per contra*, learned counsel appearing for the respondents would submit that the present Civil Revision Petition has become infructuous since the said Venkataramachandran @ Ramachandran subsequently has been appointed as the Managing Trustee of the plaintiff trust, vide Doc.No.12/25 on the file of the Sub Registrar Office, Sulur. The Civil Revision Petition has become infructuous due to the deponents appointed as the duly constituted Managing Director. The said Venkataramachandran @ Ramachandran is the son of the said Sulochana Gurusamy, who is the former Managing Trust of the plaintiff's Trust had executed Power of Attorney in favour of her son on 21.10.2024 and as per the said Power of Attorney, he was permitted to conduct the Suit in O.S.No.227 of 2021 on her behalf as Power Agent. Thereafter, he has chosen to file an application in I.A.No. 8 of 2024 under Order III Rule 2 CPC seeking leave to conduct the suit as Power Agent. The crucial event occurred prior to the filing of the present Civil Revision Petition while the deed was subsequently registered as Doc.No.12/2025 on 04.06.2025, after due scrutiny, the legal effect of appointment as Managing



CRP.No.1714 of 2025

WEB COPY

Trustee predates the petitioner's challenge to his previous capacity as a Power Agent, thereby rendering their entire petition fundamentally redundant.

6. This Court has considered the submissions made on either side and also perused the materials available on record.

7. It is seen from the records that the 1<sup>st</sup> respondent / Trust, represented by its Managing Director Sulochana Gurusamy has filed a Suit in O.S.No.227 of 2021 on the file of the District Munsif Court, Sulur seeking the relief of Declaration and Permanent Injunction against the defendants 1 to 3 to cancel the Partition Deed dated 30.03.1998, registered as Doc.No.1736 of 1998, on the file of the 4<sup>th</sup> respondent herein and for permanent injunction against the defendants 1 to 3 not to alienate or encumber the portion of the suit schedule property covered under the partition deed dated 30.03.1998. The said Sulochana Gurusamy, former Managing Trustee of the plaintiff's trust has executed a Power of Attorney, in favour of her son, Venkataramachandran @ Ramachandran on 21.04.2024. He has chosen to file the said application under Order III Rule 2 CPC seeking Leave to conduct the suit as Power Agent.



CRP.No.1714 of 2025

WEB COPY

8. At this juncture, it is relevant to refer Order III, Rule 2 CPC, which reads hereunder:

**Order III Rule 2 CPC.- Recognized Agents** . - The recognized agents of parties by whom such appearances, applications and acts may be made or done are -

- (a) persons holding powers of attorney, authorizing them to make and do such appearances, applications and acts on behalf of such parties;
- (b) persons carrying on trade or business for and in the names of parties not resident within the local limits of the jurisdiction of the Court within which limits the appearance, application or act is made or done, in matters connected with such trade or business only, where no other agent is expressly authorized to make and do such appearances, applications and acts.

9. It is settled law that there is no legal bar for the holder of Power of Attorney to give evidence on behalf of the Principal. In the case on hand M/s.Venkateswara Aranilaya Trust, represented by its Managing Trustee, namely Sulochana Gurusamy had executed a General Power of Attorney in favour of his son and as per the Power of Attorney, her son can be permitted to conduct the Suit on behalf of his mother as a Power Agent. The Court below, considering the facts and circumstances of the case and considering the age of the Managing Director / Mrs.Sulochana Gurusamy, has rightly allowed the interlocutory application and



CRP.No.1714 of 2025

WEB COPY

also given liberty to the revision petitioner to raise her objections at the time of adjudication in the trial. This Court finds no reason to interfere with the order passed by the Court below and finds no merit in this Civil Revision Petition and the same is liable to be dismissed.

10. In the result, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is dismissed.

11.09.2025

Intex : Yes/No  
Internet : Yes/No  
Jvm

To  
District Munsif Court,  
Sulur.

**M.JOTHIRAMAN, J.**

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*CRP.No.1714 of 2025*

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