



WEB COPY

A.No.2168 of.



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON 05.08.2025	PRONOUNCED ON 26.08.2025
---------------------------	-----------------------------

CORAM :

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

A.No.2168 of 2025

in

C.S.No.203 of 2024

Senthil

... Applicant/1st Defendant

vs.

1.Arulmigu Meenakshi Sundareswarar Peedam

Flat No.3, 2nd Floort,

Vasanth Apartments, No.1, Krishna Street,

T.Nagar, Chennai – 600 017.

Rep., by its Founder, Chairman,

Managing Trustee, T.S.Palanivelu

2.T.S.Palanivelu

... Respondents 1 &2 /Plaintiffs

3.S.Ezhilarasan

4.K.Saravanan

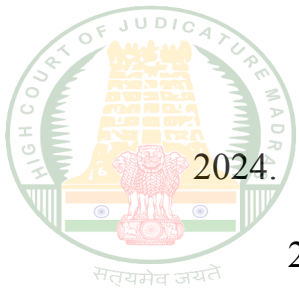
... 3rd & 4th Respondents /2 &3rd Defendants

For Applicant : Mr.Suhrith Parthasarathy

For Respondent : Mr.D.Rajagopal for RR1 &2

ORDER

This Application had been filed to reject the plaint in C.S.No.203 of



2024.

WEB COPY

2. Heard Mr.Suhrith Parthasarathy, learned counsel appearing for the applicant and Mr.D.Rajagopal, learned counsel appearing for the respondents 1 & 2.

3. The learned counsel appearing for the applicant would submit that the Suit had been filed under Section 92 of CPC in respect of the first plaintiff Trust, which is a Hindu Religious Charitable Trust. According to him, by application of Section 5 of the Tamil Nadu Hindu Religious Charitable and Endowments Act, (hereinafter referred to as “HR & CE Act”), the provisions of Sections 92 & 93 CPC would cease to apply to such Trust and therefore, the Suit itself would have to be rejected. He would further submit that the plaint had been presented before this Court also by invoking Section 72 of the Indian Trusts Act, which should not be applicable to a public charitable Trust. Referring to paragraph 5 of the plaint, he would submit that the plaintiff had also invoked the said provisions. Therefore, he would pray this Court to reject the plaint by invoking Order VII, Rule 11 CPC.

4. Countering his arguments, the learned counsel appearing for the



respondents/plaintiffs would submit that the Trust is a non profitable independent private charitable Trust as envisaged by propounder of the Trust and that the Trust also incidentally carries public charities not only for the benefit of the Hindu community, but irrespective of all caste, religion & sex. He would further submit that the Trust deed also envisages that for framing a scheme or for an opinion, the Civil Court would have to be approached for its better administration and management. Therefore, he would submit that the entire application itself is misconceived and would have to be rejected.

5. In reply to the submissions of the learned counsel appearing for the respondents/plaintiff, the learned counsel appearing for the applicant relying upon a judgment of this Court made in W.P.(MD).No.10839 of 2023, dated 31.01.2025 would contend that even if it is a private and had been propounded for religious and charitable purpose, it would fall under the definition of religious institution to be governed only by the HR &CE Act.

6. I have considered the rival submissions made by the learned counsels appearing on either side and perused the materials placed on record.



WEB COPY

7. The Trust had been created under a registered Trust deed dated 05.10.2016. The object is to create a charitable, public and social Trust in the name of the first plaintiff. However, it has claimed itself to be a private Charitable Trust. The objective of the Trust as found in the Trust deed is to establish Arulmighu Meenakshi Sundareswarar Peedam and installation of idols of Lord Sundareswarar and Goddess Meenakshi as per Hindu customs and rites. The further objects are all to promote Tamil Vedas paripalanam and to conduct, organize, workshops, camps, book-exhibitions and lectures to preach Hindu dharmas through eminent Hindu scholars and also to provide other public charities. The primary object of the Trust seems to be establishment of a Peedam by installing various idols and also to carry out certain religious activities. Hence, the Trust is predominantly a religious public charitable Trust. The covenants in the deed particularly, vesting of jurisdiction with the Civil Court cannot be said to override the statutory provisions of the HR&CE Act.

8. As rightly pointed out by the learned counsel appearing for the applicant, the issue had been considered by this Court in the judgment made in W.P.(MD).No.10839 of 2023, dated 31.01.2025. After analyzing the



A.No.2168 of.



provisions of the HR & CE Act, particularly Section 6(18) & (19), this Court had held that even a private charitable Trust, if falls within the definition of religious institution as being a specific endowment, then it would be governed by the provisions of the HR & CE Act, 1959. By applying the said judgment, this Court is of the view that for the reliefs prayed for in the plaint and is governed by the provisions of HR & CE Act which also provides for framing of a scheme in respect of a religious charitable Trust. Hence, this Court is of the view that the Suit as framed by the plaintiffs before this Court cannot be maintained and is liable to be rejected.

9. In fine, the Application in A.No.2168 of 2025 in C.S.No.203 of 2024, is allowed and thereby the plaint in C.S.No.203 of 2024 is rejected. Consequently connected Miscellaneous application is also closed. However, there shall be no order as to costs.

26.08.2025

Index : Yes / No
Internet : Yes / No
Pbn



WEB COPY



A.No.2168 of.

K.KUMARESH BABU.J.,

Pbn

Pre-Delivery Order in
A.No.2168 of 2025
in
C.S.No.203 of 2024

26.08.2025