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CMP No. 10955 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 18-06-2025**

CORAM

**THE HONOURABLE MR JUSTICE N. SATHISH KUMAR**

**CMP No. 10955 of 2025 IN CRP NO. 1429 OF 20256,  
CMP No. 10953 of 2025 IN CRP SR NO. 51440 OF 2025**

**CMP No. 10955 of 2025**

Selvaradjalou Chetty Trust  
Rep. by its Chairman, S.Kalyanam  
( now died) 21/10, Armenian Street,  
Chennai - 001.

Appellant(s)

Vs

SARVOTHAMAN  
S/o. Somasundaram, 80, 6th Main  
Road, Mahaveer Nagar,  
Karuvadikuppam, Puducherry - 005  
Jayalakshmi Ammal (Died), Anusuya  
Ammal (Died), (As per order dated  
02.12.1969 vide memo filed by D3 in  
I.A 403 of 1969)

Respondent(s)

**CMP No. 10953 of 2025**

Selvaradjalou Chetty Trust  
Rep. by its Chairman, S.Kalyanam



CMP No. 10955 of 2025



( now died) 21/10, Armenian Street,  
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Appellant(s)

Vs

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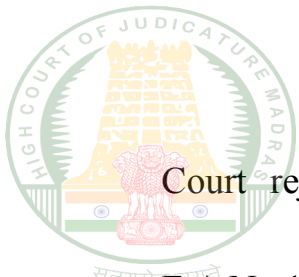
Respondent(s)

For Appellant(s): Mr.T.R.Rajagopalan  
Senior Counsel  
for Mr.L.Ragesh Bhagavath  
in both petitions

For Respondent: Mrs.Hema Sampath,  
Senior Counsel  
for Mr.A.D.Balasubramaniam  
for R1

### **COMMON ORDER**

C.M.P.No.10955 of 2025 has been filed to substitute the name of  
G.Rajagopalan, as representing trustee in the place of S.Kalyanam in  
C.R.P.No.1429 of 2025 filed by the Trust, against the order of the Execution

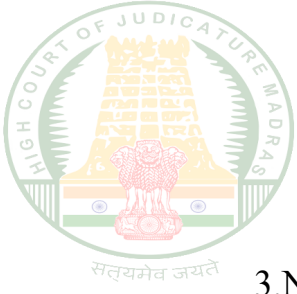


Court rejecting the application objecting execution filed by the Trust in

E.A.No.17 of 2025 in E.P.No.300 of 2021. Similarly, C.M.P.No.10953 of 2025

has been filed to substitute the name of G.Rajagopalan as representing trustee in the place of S.Kalyanam in C.M.P.No.8439 of 2025 in C.R.P.SR.No.51440 of 2025 filed by the Trust, against the order of delivery passed by the Execution Court in E.P.No.300 of 2021.

2.Originally, an Execution Application in E.A.No.17 of 2025 has been taken out by the petitioner Trust objecting execution in E.P.No.300 of 2021 in O.S.No.6 of 1968 on the ground that it is barred by limitation and the Execution Petition is nothing but an abuse of process of law and further, that there was no decree in favour of the respondent to execute the same. However, the said application has been dismissed. Challenging the said order dismissing the application, C.R.P.No.1429 of 2025 has been filed by the Trust represented by its erstwhile Chairman S.Kalyanam. He has filed yet another petition in C.M.P.No.8439 of 2025 seeking leave to file a Civil Revision Petition as against the delivery order passed in E.P.No.300 of 2021.



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3. Now, during the pendency of the Civil Revision Petition, it is stated that the Chairman of the Trust, S.Kalyanam, has died and therefore, in his place, to represent the Trust, one of the Trustees Mr.G.Rajagopalan, Senior Advocate, is sought to be brought on record based on the resolution dated 04.05.2021. The said application has been objected by the respondents on the ground that, originally, there were four Trustees appointed by Mrs.Padmini Chandrasekaran, who was the founder of the Trust. Four of the Trustees are not there and the Trust was managed by Dr.H.B.N.Shetty till his death on 28.04.2021. According to the respondents, the so called resolution relied upon by the petitioner has been fabricated. Hence, they opposed the petitions.

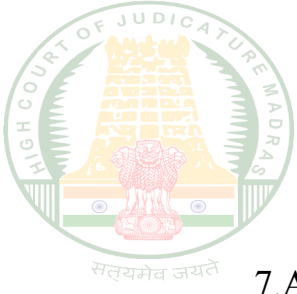
4. I have perused the entire materials available on record.

5. When the Trust has suffered an order, a Civil Revision Petition has been filed by the ex-Chairman. Admittedly, he has died. Therefore, to represent the Trust, the Trustees are also required to be brought on record. In another Trust



O.P. filed by one of the respondents, in Trust O.P.No.647 of 2022, in the affidavit filed in support of the petition for substitution, in Para No.6, it is clearly stated that “after the death of Dr.H.B.N.Shetty, a board resolution dated 04.05.2021 was handed over to his counsel on 07.07.2022, wherein it is learnt that S.Kalyanam has been appointed as Trustee about 22 years ago and in 1999 after the death and the Chairman, two persons have been inducted as trustees namely Dr.K.Ganesan and Mr.G.Rajagopalan, Senior Advocate.” Based on such affidavit, the Court has substituted the name of S.Kalyanam in the place of Dr.H.B.N.Shetty in the said Trust O.P.

6.In such view of the matter, when the said S.Kalyanam has died, in order to protect the interest of the Trust, the other existing Trustees should be brought on record. In the affidavit filed by Mr.G.Rajagopalan in support of these petitions, he has stated that Dr.K.Ganesan has given consent to him to represent the Trust. Hence, Mr.G.Rajagopalan, Senior Advocate should be brought on record in the place of S.Kalyanam to represent the petitioner Trust.



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7. Accordingly, these petitions filed for substitution are ordered as prayed for. Registry is directed to carry out the necessary amendment in the cause title.

**18-06-2025**

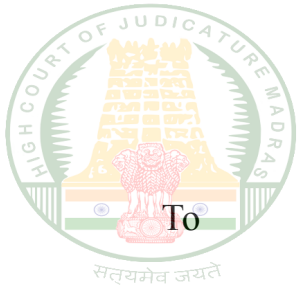
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To  
1. The Principal District Judge,  
Puducherry.

2. SARVOTHAMAN

S/o. Somasundaram, 80, 6th Main  
Road, Mahaveer Nagar,  
Karuvadikuppam, Puducherry - 005  
Jayalakshmi Ammal (Died), Anusuya  
Ammal (Died), (As per order dated  
02.12.1969 vide memo filed by D3 in  
I.A 403 of 1969)

3. R. Krishnamurthy, Sri Balaji, New  
No.15, Old No.9, Masilamani Nagar,  
Balaji Nagar, Chennai-600014.  
Sivagami Ammal (died) Anusuya  
Ammal (Transposed as Plaintiff) (died)  
Somasundaram Chettiar (died)

4. T.T. Srinivasan  
(Executor under the will of  
Somasundara Chettiar and Kuppammal-  
Intervening Party)



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**N.SATHISH KUMAR J.**

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CRP NO. 1429 OF 20256,  
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CRP SR NO. 51440 OF 2025**

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