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O.P.No.628 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **11.03.2025**

CORAM

THE HONOURABLE **MR.JUSTICE K.KUMARESH BABU**

O.P.No.628 of 2024

Sow.Subhadra Bai Saddharma Niketan Trust,
A Private Trust,
Represented by the Managing Trustee,
Lodd Ramgopal,
Having office at
Old No.110, New No.137,
Poonamallee High Road,
Chennai – 600 084.

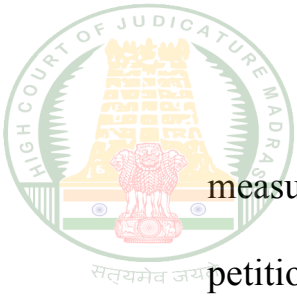
...Petitioner

PRAYER: Original Petition filed Under Section 34 of the Indian Trust Act, 1882, praying to grant permission to sell the Trust property more-fully set out in Schedule “C” and pass any other order as this Hon'ble Court may deem fit, and thereby render justice.

For Petitioner : Mr.Sharath Chandran

ORDER

The instant Original Petition had been filed, seeking for grant of permission to sell the Trust Property, more-fully, set out in Schedule 'C'

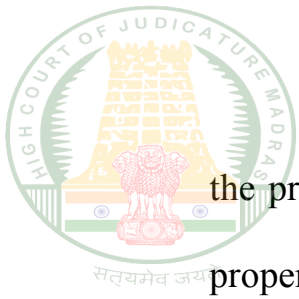


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measuring an extent of 1407 sq.ft. The claim of the petitioner is that the petitioner was permitted to sell its property by order of this Court in O.P.No.596 of 2022 on 20.12.2022. Pursuant to the permission granted by this Court, the petitioner had executed four sale deeds. However, a portion of 4,786 sq.ft is yet to be sold for various reasons. The prospective buyers were not willing to purchase the same as the access to the property was not conducive for the buyers to use it in future and hence, the Trustees had resolved to sell a portion of further property and hence, the present petition had been taken out.

2. The petitioner had also examined the Managing Trustee of the Petition Trust as P.W.1 and had marked various documents. Ex.P1 and Ex.P2 are the certified copies of Trust Deed and Supplementary Trust Deed respectively. Ex.P4 is a certified copy of the order made by this Court in O.P.No.596 of 2022. Ex.P5 to Ex.P9 are the certified copies of the sale deeds in respect of the portion of the properties, which have been sold pursuant to the order under Ex.P4.

3. This Court under Ex.P4, had permitted the petitioner to sell the portion of



the property belonging to the Trust. P.W.1 had categorically stated that this property is sought to be sold is only in furtherance to the permission granted by this Court in O.P.No.596 of 2022 dated 20.12.2022.

4. The assertions in the petition have been duly proved by adducing oral evidence supported by documents. In these circumstances, the petitioner is entitled to the relief.

5. In view of the above submissions, this Original Petition is ordered and this Court is inclined to grant permission to sell the petition mentioned property within a period of six (6) months from the date of receipt of a copy of this order in order to comply with the order dated 20.12.2022 made in O.P.No.596 of 2022. The petitioner shall file the certified copy of sale deed within a period of three (3) months thereafter. However, there shall be no order as to costs.

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(2/2)

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Index :Yes/No

**Petitioner's witness:**

P.W.1 – Mr.Lodd Ramgopal

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Documents exhibited by the petitioners:

<i>Exhibits</i>	<i>Documents</i>
Ex.P1	Certified copy of trust deed.
Ex.P2	Supplementary trust deed dated 30.10.2019.
Ex.P3	Online copy of property tax receipt dated 16.07.2022.
Ex.P4	Certified copy of order of this Hon'ble Court in O.P.No.596 of 2022 dated 20.12.2022.
Ex.P5	Certified copy of sale deed Document No.1270 of 2023.
Ex.P6	Certified copy of sale deed dated registered as Document No.1701 of 2023.
Ex.P7	Certified copy of sale deed Document No.1714 of 2023.
Ex.P8	Original minutes/Resolution of the Trust.
Ex.P9	Certified copy of sale deed Document No.100 of 2024.

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