



S.A.No.637 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2025

CORAM

THE HONOURABLE MRS.JUSTICE R. KALAIMATHI

S.A.No.637 of 2023

and

C.M.P.Nos.20083 and 20085 of 2023

1. M.G.Baskaran,
Managing Trustee,
The Bhajrang Educational & Social Trust,
Bhajrag Engineering College
No.14, 3rd main road,
Krishnapuram, Thirunindravur R.S,
Poonamallee Taluk,
Thiruvallur District.

2. B.Kalavathi

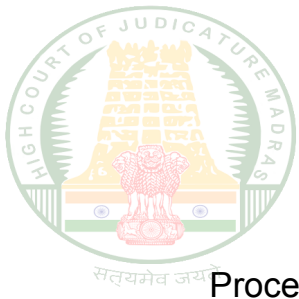
...Appellants/Plaintiffs

Vs.

1. A.Duruvasulu Naidu
2. A. Ramamoorthy Naidu
3. M.Balarama Naidu
4. D.Gobi
5. B.Prasad
6. R.Ganesh

...Respondents/Defendants

PRAYER:- This Second Appeal is filed under Section 100 of Code of Civil



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Procedure, 1908, to set aside the judgment and decree dated 25.06.2019 passed by the learned 1st Additional District Judge, Thiruvallur in A.S.No.20 of 2014 confirming the judgment and decree dated 30.04.2014 made in O.S.No.63 of 2007 on the file of the learned Subordinate Judge, Thiruvallur by allowing this Second Appeal.

For Appellants : Mr.S.Karthikei Balan

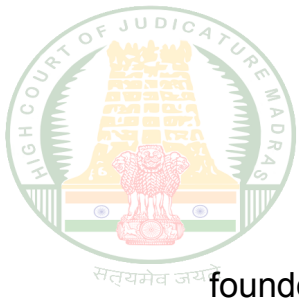
For Respondents : Mr.J.Thilagaraj

JUDGMENT

This Second Appeal is focused on the judgment and decree dated 25.06.2019 passed in A.S.No.20 of 2014 by the I-Additional District Court, Thiruvallur.

2. The parties are indicated herein as per their litigative status and ranking before the Trial Court. This Second Appeal has been preferred by the plaintiffs against the order of dismissal passed by the First Appellate Court.

3. According to the plaintiffs, they started a Trust called the Bhajrang Educational & Social Trust, on 02.08.2000 with an object of establishing educational institutions such as engineering college. The first plaintiff is the



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founder of the said Trust. The trust deed was duly registered on 02.08.2000.

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The first plaintiff is the Founder/ the Managing Trustee and Chairman for his life time. He nominated the second plaintiff and defendants no.1 to 3 as permanent trustees by virtue of power contained in Clause 6 of the Trust Deed. Engineering College by name Bhajrang Engineering College was started by the plaintiffs in a land to an extent of 30.76 acres. In the capacity of managing trustees, the plaintiffs invested Rs.4.50 crores for the construction of the building and provided necessary infrastructure for getting approval AICTE at a cost of Rs.81 Lakhs. The total amounts spent for establishing the said College was about Rs.13 crores. Classes commenced from the academic year 2001 in the above said and it is affiliated to the Anna University. The Trust had periodical meetings. On 16.03.2007, the plaintiffs received a legal notice, purported to have been issued on behalf of the Bhajrang Educational and Social Trust represented by its Secretary, the 1st defendant. It has been stated in the said notice that the first plaintiff did not conduct regular meeting and was causing loss and bringing disreputation to the institution. It was also alleged that to safeguard the interest of the Trust, the institution decided to induct more trustees as per the Clause 6A of the trust deed. It has also been stated that the defendants no.1 to 3 by their letter dated 18.01.2007 had requested the first plaintiff to fix a date and to



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convene the meeting in order to take necessary decisions. It has been stated that no reply was sent by the 1st plaintiff and therefore, by letter dated 05.02.2007, a meeting was arranged to be convened on 12.03.2007. In the said notice, it was informed to the plaintiffs that, a meeting was convened on 12.03.2007 for which the plaintiffs did not attend the said meeting and hence resolution was passed to the effect that the defendants no.4 to 6 were nominated as additional trustees as per Clause 6(g) of Trust Deed. The plaintiffs sent a reply dated 20.03.2007 for the said notice. Meanwhile, another notice dated 10.05.2007 was received from the 1st defendant calling for the meeting to be held on 10.05.2007 at 5.30 p.m. A reply was sent to the 1st defendant in protest. As the defendants no.1 to 3 were trying to interfere with the management of the trust and also in the administration of the college, they filed suit for:

a). declaration that the meeting held by the defendant no.1 to 3 on 12.03.2007 or on any other date, is illegal and invalid;

b). for a declaration that the resolution passed at the invalid meeting appointing the first defendant as Secretary of Bhajrang Educational & Social Trust and the third Defendant as Treasurer of the Trust is illegal, invalid and not binding on



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the plaintiffs;

c). declaring that the nomination and appointment of defendants 4 to 6 as Additional Trustees of Bhajrang Educational & Social Trust is illegal and invalid and not binding on the plaintiffs;

d). for a permanent injunction restraining the defendants, their men, agents, servants and all persons claiming under them from interfering with the management and affairs of Bhajrang Educational & Social Trust and Educational Institution i.e., Bhajrang Engineering College;

4. Per contra, the 1st defendant would contend that the first plaintiff did not cooperate with others for better administration of the Trust and has chosen to make unlawful enrichment at the cost of the defendants. Despite several demands, the first plaintiff has not chosen to submit the accounts or convene any meetings. The defendants took steps to include the trustees and also removed the first plaintiff from the office of the managing trustees. For the notice dated 16.03.2007 sent by the defendants, there was no reply. The dispute between the parties relates to management and administration of the institution which is the subject matter of the Trust.



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5. On behalf of the 3rd and 5th defendants, it is contended that the first plaintiff is acting with a view to defraud the other trustees and to misappropriate the funds of the trust. The first plaintiff has received huge amounts by way of capitation fees from the students and has misappropriated the same. As the suit is laid without leave under Section 92 of CPC, the suit is not maintainable in law.

6. Based on the divergent pleadings, the Trial Court framed appropriate issues. At trial, on the plaintiffs side, one witness was examined and sixteen documents were marked. On the defendants side, two witnesses were examined and eight documents were marked.

7. The Trial Court upon consideration of oral and documentary evidence and after hearing the arguments advanced by either side, dismissed the suit by holding that the plaintiffs did not prove their case.

8. Aggrieved the plaintiffs preferred the first appeal before the I-Additional District Court, Tiruvallur in A.S.No.20 of 2014. The First Appellate Court dismissed the appeal on merits.



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9. It is an admitted fact that a meeting was convened on 12.03.2007 by the defendants. The copy of the minutes passed in the meeting is not marked by the plaintiffs during the Trial. Because of that serious omission, the First Appellate Court has held that there is no material to show that such a meeting was convened which is against the rules prescribed or was held in breach of the trust deed. It is also relevant to note that by-laws are yet to be framed by the Trust till date. In the absence of the same, it is not possible to determine the validity of the meeting held on 12.03.2007. Therefore, it was concluded that the plaintiffs have failed to prove their case and were non suited. Ex.A8 to Ex.A12 are the documents which came into existence after the filing of the suit. When the plaintiffs are not entitled for the relief of declaration, they are not entitled for the consequential relief of injunction, which is rightly held by the First Appellate Court. In the given circumstances, this Court does not find any good reason to upset the finding of the learned First Appellate Court. No substantial questions law arise for consideration.

10. Based on the aforesaid discussions and observations, this Second Appeal stands dismissed. Sequel to this, the judgment and decree dated 25.06.2019 passed by the I-Additional District Court, Tiruvallur stands confirmed. There is no order as to costs. Consequently, connected Civil



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Miscellaneous Petitions stand closed.

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Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
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Copy to

1. The I-Additional District Court, Tiruvallur
2. The Subordinate Court, Tiruvallur

R.KALAIMATHI, J.



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