



C.S.No.68 of 2025

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P.DHANABAL, J.

Today, the matter has been listed under the caption “For Being Mentioned.”

2. The learned counsel appearing for the plaintiffs brought to the knowledge of this Court that as per the Suit, no defendants have been arrayed as parties. However, in the order, the names of the defendants have been typed. Therefore, the defendants' name have to be deleted.

3. This Court also perused the entire records.

4. As per the plaint, there are no defendants. This Court also in para no.4 mentioned that there are no defendants in the Suit. However, the names of the defendants have been wrongly mentioned. Therefore, the said typographical error has to be corrected and the names of the defendants are ordered to be deleted.

5. Accordingly, the Registry is directed to carry out the amendment and issue a fresh order copy.

13.11.2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2025

CORAM

THE HONOURABLE **MR.JUSTICE P.DHANABAL**

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1. Motilal Kanhaiyalal Fomra Charitable Trust,
Represented by its Managing Trustee,
Shri. Srikumar Fomra
Son of Kanhaiyalal Fomra
Having Office at No.89 (new)/no.43(old),
Armenian Street, Chennai – 600 001.

2. Sudhakar Fomra
Son of Srikumar Fomra Trustee,
Motilal Kanhaiyalal Fomra Charitable Trust,
Having Office at No.89 (New) /No.43(old),
Armenian Street, Chennai – 600 001.

... Plaintiffs

Vs.

1.Mr.G.Parthiban

2.Mrs.S.Malarvizhi

3.Ms.S.Kaviya

... Defendants

Prayer: The Civil Suit has been filed under Order IV Rule 1 of the Original Side Rules read with Order VII Rule 1 & Section 92 of the Code of Civil Procedure, 1908 for following relief:



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(a) Grant leave to the plaintiff to sell the Schedule mentioned property which belongs to the plaintiff Trust.

(b) Direct that the proceeds of the sale be used for the construction of a school, to further the objectives of the Trust in promoting education for underprivileged children

For Plaintiff : M/s.V.Charishma
for M/s.V.Srimathi

ORDER

This suit has been filed by the plaintiffs under Order VII Rule 1 and Section 92 of the CPC to grant leave to the plaintiff to sell the Schedule mentioned property which belongs to the Plaintiff Trust and to direct that the proceeds of the sale be used for the construction of a school to further the objectives of the Trust in promoting education for underprivileged children.

2.According to the plaintiffs, the Trust namely M/s.Motilal Kanhaiyalal Fomra Charitable Trust having office at No.89(new) No.43 (old), Armenian Street, Chennai is a public charitable trust registered vide



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a trust deed Doc.No.399 of 1995 on the file of the Joint Sub Registrar, Chennai on 05.04.1995. The plaintiffs have filed the suit seeking permission to sell the properties described in Suit Schedule of the plaint which belongs to the Trust. Infact the plaintiff is a public trust founded with a view to promote the cause of education and help the economically and socially under-privileged community and needy students. The Trust owns a property, more particularly described in Suit Schedule situated at Nolambur Village, Village No. 82, Saidapet Taluk, within the Registration Sub District of Sembiam, Registration District of North Madras and comprised in Survey No.204 and 206 measuring an extent of 2 acres 90 cents and 1 acre 72 cents respectively. The property was purchased by the Trust represented by the Managing Trustee, Mr.Sunderlal Fomra from a Partnership concern M/s. Lakshmi Narasimha Brick Industries vide a sale deed dated 25.09.1996.

3. The suit scheduled property has not been fully utilized for the purposes of trust, due to lack of sufficient funds for development of the property. In furtherance of its objectives viz, to promote the cause of education and help the needy students, the Trust intends in constructing a



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superstructure for a school from the proceeds obtained through the sale.

The construction of this School is benefited towards providing education to socially and economically underprivileged children. In order to construct the School, the Trust requires substantial financial resources which are not currently available within the Trust's reserves. The Board of Trustees have unanimously resolved to sell the Trust property in its resolution dated 30.08.2024 and to utilize the proceeds from the sale for the construction of the School. There is no personal interest or benefit involved in any of the Trustees in the proposed sale and the entirety of the proceeds will be utilized exclusively for the benefit of the Trust and its educational initiatives. Therefore, plaintiffs have filed the suit.

4. There is no defendant in the suit. Already leave was granted by this Court vide order dated 03.03.2025 in A.S.No.1009 of 2025 to sue under Section 92 of CPC. Thereafter, the suit was number and paper publication was effected. The Trustees of the Trust were examined and Exhibits P1 to P3 were marked. Ex.P1 is the copy of the Trust deed of formation of M/s. Motilal Kanhaiyalal Fomra Charitable Trust executed on 26.05.1995 and Ex.P2 is the Sale Deed executed by M/s. Lakshmi



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Narasimha Brick Industries in favor of M/s. Motilal Kanhaiyalal Fomra Charitable Trust on 25.09.1996 and Ex.P3 is the resolution of the Board of Trustees proposing sale of property for construction of the school buildings on 30.08.2024.

5. On careful perusal of the above documents, it is seen that the property belongs to the Trust and the Trust was formed for a public charitable purpose. The plaintiffs have not mentioned the value of the property, however they filed a memo along with the copy of the guideline value of the property and as per the guideline value, the value of the property per sq.ft is Rs.5,500/- and the total value of the property measuring 4 grounds 450 sq.ft comes to Rs.5,52,75,000/-. PW1 has categorically deposed about the purpose of the sale of the property ie., for the construction of school, however, they have not produced any document to show the proposed cost and estimation, and then for the construction. Therefore, it is appropriate to allow this suit to sell the suit property and accordingly this Court is inclined to grant permission to the plaintiffs to sell the suit mentioned property subject to the following conditions:



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(i) The plaintiff is permitted to sell the property for not less than 6 Crores.

(ii) The plaintiff is directed to produce the estimated cost and approved plan for construction of school buildings within 6 months from the date of receipt of copy of this order. Till such time, the sale amount has to be deposited in to any of the Nationalized Bank and the proof of the same shall be produced before this Court.

(iii) For safe custody, after completion of sale, the registered sale deed has to be deposited before this Court and the plaintiff is at liberty to utilize the funds for construction of building. If there is any balance amount after utilization for the buildings, the remaining amount has to be deposited into any of the Nationalized Bank and the plaintiff is permitted to withdraw the accrued interest once in three months. The memo and calculation are to be filed along with the registration of the sale deed.

(iv) With the above conditions, the suit is decreed.

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Neutral Citation: Yes/No
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