



WEB COPY

CS No. 141 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31-07-2025

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

CS No. 141 of 2019

and

A.No.1381 of 2019

1. R.Pratap Gupta
S/o.Late R.Chinni Krishna Gupta,
Vasavi Rangadhamam Flats, No.22/40,
CAR Street, 2nd Floor, 2nd Block,
Triplicane, Opp to IOB Bank,
Chennai – 600005

2. V.S. Palanisamy
S/o.Subramaniya Chettiyar,
No.31, Singarachari Street, Triplicane,
Chennai – 600 005.

3. N. Venkatesan
S/o.Nagaraja Rao, No.6/35, Aarimuthu
Achari Street, Triplicane,
Chennai 600 005

Plaintiff(s)

Vs

1. Thiruvallikeni Kollavari Katchi
Nootaibandru Nagaramvari



(T.K.K.N.N.) Vysya Charities (Regd),
Rep by its Trustees, No.83/36, V.R.
Pillai Street, Triplicane, Chennai 5

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2.D.V.S. Prasad
No.83/36, V.R. Pillai Street, Triplicane,
Chennai 5

3.V. Dhamodhar
No.83/36, V.R. Pillai Street, Triplicane,
Chennai 5

4.M. Kasinath
No.83/36, V.R. Pillai Street, Triplicane,
Chennai 5

5.T.G. Venkatesan
No.83/36, V.R. Pillai Street, Triplicane,
Chennai 5

6.C.A. Raja
No.83/36, V.R. Pillai Street, Triplicane,
Chennai 5

Defendant(s)

PRAYER

Plaint filed under Section 92 of C.P.C., read with Under Order VII Rule 1 of C.P.C., and under Order IV Rule 1 of High Court Original Side Rules, 1956, praying that this Hon'ble High Court may be pleased to pass a judgment and decree in favour of the plaintiffs:

a) for grant of declaration declaring the administration of the 1st defendant's Trust viz., Thiruvallikeni Kollavari Katchi Nootaibandru

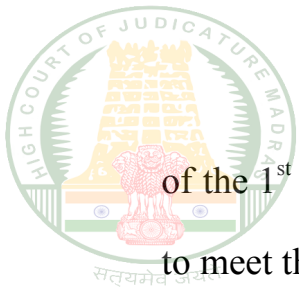


Nagaramvari (T.K.K.N.N.) Vysya Charities (Regd.) having Administrative Office at No.83/36, V.R.Pillai Street, Triplicane, Chennai – 600 005 by the Trustees 2 to 6 herein is against the welfare of the Trust and consequently to remove the defendants 2 to 6 herein from the management of the 1st defendant's Trust;

b) for granting permanent injunction restraining the defendants 2 to 6 herein, their men, servants, agents or any one acting on their behalf from functioning as Trustees of the 1st defendant's Trust viz., Thiruvallikeni Kollavari Katchi Nootaibandru Nagaramvari (T.K.K.N.N.) Vysya Charities (Regd.) having Administrative Office at No.83/36, V.R.Pillai Street, Triplicane, Chennai – 600 005;

c) directing the defendants 2 to 6 herein to submit before this Hon'ble High Court about the details of the landed properties of Trust viz., Thiruvallikeni Kollavari Katchi Nootaibandru Nagaramvari (T.K.K.N.N.) Vysya Charities (Regd.) having Administrative Office at No.83/36, V.R.Pillai Street, Triplicane, Chennai – 600 005, sold so far from the date of beginning of such sale including income and expenditure out of such sale of landed properties;

d) to take criminal action against the then Trustees and present Trustees who came into picture after 1995 to hold the office of the Trusteeship of the 1st defendant's Trust viz, Thiruvallikeni Kollavari Katchi Nootaibandru Nagaramvari (T.K.K.N.N.) Vysya Charities (Regd.) having Administrative Office at No.83/36, V.R.Pillai Street, Triplicane, Chennai – 600 005 for maladministration, misappropriation, act of commission and omission and misuse



of the 1st defendant's Trust funds by seizure of properties of such erring Trustees to meet the loss of the 1st defendant's Trust and

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e) to appoint an Administrator to manage and to run the day to day affairs of the 1st defendant's Trust viz., Thiruvallikeni Kollavari Katchi Nootaibandru Nagaramvari (T.K.K.N.N.) Vysya Charities (Regd.) having Administrative Office at No.83/36, V.R.Pillai Street, Triplicane, Chennai – 600 005 till new Trustees are elected through due process of Scheme Decrees passed by the Hon'ble High Court, Madras dated 27.04.1914 and 16.02.1979 made in C.S.No.330 of 1910 and C.S.No.439 of 1977 respectively.

For Plaintiff(s): Mr.S.Kasirajan

For Defendant(s): Mr.R.Shiva Kumar
For M/s. K.M.Vijayan Associates
(For D1 and D3)
No appearance
(For D2, D4 to D6)

JUDGMENT

The matter had been remitted back to this Court by the learned Additional Master – III, recording a representation made by the learned counsel appearing for the defendant that newly elected members had been appointed pursuant to the orders of this Court dated 07.06.2023.



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2. By order dated 07.06.2023, this Court had appointed an Advocate Commissioner to conduct the election of Trustees. Pursuant to the said order, the learned Advocate Commissioner had conducted the election on 01.05.2024 and had also handed over the administration of the Trust to the newly elected Trustees.

3. It is also brought on record that two of the Trustees had resigned on 10.07.2024 and the first defendant/Trust had conducted an election and two other new Trustees were appointed. Again, one of the Trustees had resigned, and election had been conducted, and now the Trust is being managed by five newly elected Trustees.

4. The prayer in the suit is primarily for a declaration that defendants 2 to 6, who were the then Trustees, are acting against the welfare of the Trust and for to remove them from the management of the first defendant/Trust and for a consequential injunction to restrain them from acting in any manner from acting Trustees of the Trust and further seeks other reliefs also to take action against

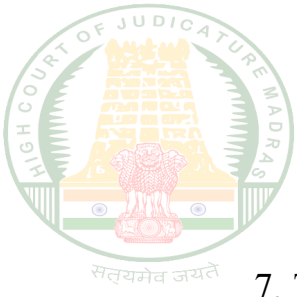


them for indulging in sale of the properties belonging to the Trust.

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5. The prayer sought for in the suit is against the defendants 2 to 6 effectively. Since in the subsequent election held pursuant to the directions of this Court, a new set of Trustees has been elected and none of the defendants have been re-elected to the Trust and therefore, this Court is of the view that there are no issues to be adjudicated as against defendants 2 to 6, who are already not the Trustees of the Trust.

6. However, considering the fact that the suit had been initiated under Section 92 of C.P.C., and that new Trustees have been elected, the newly elected Trustees shall enquire into the allegations made by the plaintiffs and take necessary action within a period of eight (8) weeks from today. If the plaintiff has any grievance as against the newly elected Trustees, he is entitled to initiate a fresh suit as against them, as the cause of action for initiating the instant suit no longer survives.



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7. The newly elected Trustees of the first defendant Trust shall look into the complaints raised by the plaintiff in the plaint and take necessary action to protect the interest of the Trust property.

8. In fine, the suit stands disposed of. However, there shall be no order as to costs. Consequently, the connected application is closed.

9. The first defendant/Trust shall file a report within a period of eight (8) weeks from today.

31-07-2025

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Index: Yes/No

Speaking/Non-speaking order

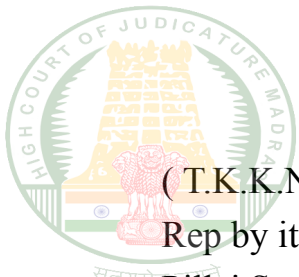
Internet: Yes

Neutral Citation: Yes/No

To

1. Thiruvallikeni Kollavari Katchi

Nootaibandru Nagaramvari



(T.K.K.N.N.) Vysya Charities (Regd),
Rep by its Trustees, No.83/36, V.R.
Pillai Street, Triplicane, Chennai 5

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K.KUMARESH BABU, J.

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