

**C.R.P.(PD)(MD).Nos.3282 of 2024 & 660 of 2025**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**  
**WEB COPY**

**RESERVED ON: 13.03.2025**

**DELIVERED ON: 18 .03.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**C.R.P.(PD)(MD).Nos.3282 of 2024 & 660 of 2025  
and CMP(MD).Nos.18958 of 2024**

**CRP(MD).No.3282 of 2024**

Samy Chettiar & Nanthavanam  
and Buildings Trust, Paramakudi  
Represented through its Managing Trustee  
G.Mohan

....Revision Petitioner/Petitioner  
/1<sup>st</sup> Plaintiff

**Vs**

1.Musafer Kani

...Respondent/Respondent/Defendant

2.R.Ragavan

3.T.S.Megarajan

....Respondents/Respondents  
/2<sup>nd</sup> and 3<sup>rd</sup> Plaintiffs

**CRP(MD).No.660 of 2025:**

1.T.S.Megarajan

2.R.Ragavan

...Petitioners/Petitioners  
Plaintiffs 2 and 3



C.R.P.(PD)(MD).Nos.3282 of 2024 & 660 of 2025

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Vs

1.Samy Chettiar & Nandavanam and Buildings Trust,  
Paramakudi  
Represented through its Managing Trustee  
G.Mohan ...First Respondent/First Respondent  
/First Plaintiff

2.Musafer Gani ...Second Respondent/Second Respondent  
/Defendant

**PRAYER In CRP(PD)(MD).No.3282 of 2024:** Civil Revision Case is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 02.09.2024 passed in I.A.No.161 of 2020 in O.S.No. 7 of 2019 on the file of the District Munsif Court, Paramakudi and allow the above civil revision petition.

**PRAYER in CRP(PD)(MD).No.660 of 2025:** Civil Revision Case is filed under Article 227 of Constitution of India, to set aside the fair and executable order dated 02.09.2024 passed in the application in I.A.No.3 of 2024 in O.S.No.7 of 2019 on the file of the District Munsif Court, Paramakudi and allow the same.

**(In CRP(MD).No.3282 of 2024)**

For Petitioners : Mr.T.Balarathinakumar

For Respondents :Mr.J.Barathan for R2 & R3  
No appearance for R1



C.R.P.(PD)(MD).Nos.3282 of 2024 & 660 of 2025

WEB COPY (In CRP(MD).No.660 of 2025:)

For Petitioners : Mr.J.Barathan

For Respondents : Mr.T.Balarathinakumar for R1

### **COMMON ORDER**

These revision petitions arise out of dismissal of I.A.No.161 of 2020 and I.A.3 of 2024 in O.S.No.7 of 2019 on the file of the District Munsif Court, Paramakudi.

2.Paramakudi Sami Chettiyar Nanthavanam and Buildings Private Trust, represented by its Managing Trustee G.Mohan along with two other trustees namely R.Ragavan and T.S.Megarajan had filed the above said suit as against one Musaffer Gani for the relief of eviction and for recovery of rental arrears and other reliefs. As per the plaint averments, the suit schedule properties belonged to Samy Chettiar Nandavanam & Buildings Private Trust and the defendant is a tenant of the said property. It was further contended that the defendant has committed default in payment of rent and notice has been issued to him to vacate the suit schedule property.

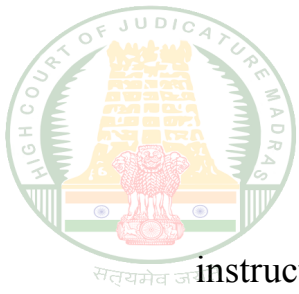


C.R.P.(PD)(MD).Nos.3282 of 2024 & 660 of 2025

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3. Pending suit, the first plaintiff namely the Managing Trustee had filed I.A.No.161 of 2020 under Order -1 Rule 10 of C.P.C to delete the second and third plaintiffs who are the other two trustees of the trust. It is contended in the said application that the first plaintiff is residing in Madurai and hence, taking advantage of the same, the other two plaintiffs are giving wrong instructions to the plaintiffs counsel. It is further alleged that the plaintiffs 2 and 3 have colluded with the tenant and they are acting as against the trust. In view of the said allegation, the second and third plaintiffs have been removed from the trusteeship on 22.09.2019. On the above said allegations, the first plaintiff had prayed for deleting the name of the second and third plaintiffs.

4. The second and third plaintiffs have filed a counter contending that the suit schedule properties belong to Samy Chettiar Nandavanam & Buildings Private Trust, Paramakudi. However, the first plaintiff has created a new trust in the year 2017 in the name and style of Samy Chettiar Nandavanam Private Trust, Paramakudi in order to usurp the property of the old trust. They have further contended that only the first plaintiff by creating a new trust in the year 2017 is acting as against the 100 years of old trust. They have also denied the allegation that they have given wrong



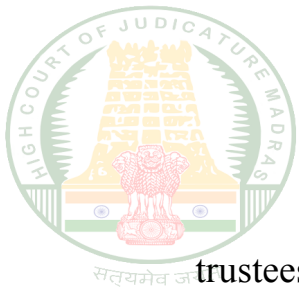
C.R.P.(PD)(MD).Nos.3282 of 2024 & 660 of 2025

instruction to the counsel who is appearing on behalf of the plaintiffs' trust.

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5.As a counter blast, the plaintiffs 2 and 3 have filed I.A.No.3 of 2024 under Order 1 Rule 10 of C.P.C to delete the first plaintiff from the suit on the ground that the first plaintiff is threatening the tenant by filing the suit and after getting money from them, he is in the habit of withdrawing the said suit. It was further alleged that the first plaintiff has created a new trust and trying to usurp the property of the old trust. Therefore, the plaintiffs 2 and 3 have prayed for deletion of the first plaintiff. In the said application, the first plaintiff had filed a counter contending that there is no trust in the name of Samy Chettiar and Nandavan Building Private Trust. He had further contended that the issue with regard to removal of plaintiffs 2 and 3 from the trust is the subject matter of O.S.No.146 of 2020 on the file of the Paramakudi Subordinate Court. Though the plaintiffs 2 and 3 had contended that the first plaintiff has been removed on 05.03.2022 belatedly in the year 2024, such an application has been filed to delete him as a first plaintiff.

6.The trial Court had considered I.A.No.161 of 2020 and I.A.No. 3 of 2024 and has passed a common order rejecting both the applications. The trial Court in its common order has found that the dispute between the



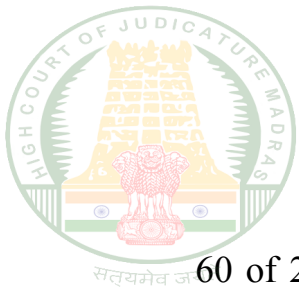
C.R.P.(PD)(MD).Nos.3282 of 2024 & 660 of 2025

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trustees is pending in O.S.No.146 of 2020 before the Subordinate Court, Paramakudi and therefore, the name of the second and third plaintiffs cannot be deleted from the array of parties. The trial Court further found that the allegation made by the plaintiffs 2 and 3 as against the first plaintiff has also not been proved. It further found that the plaintiffs 2 and 3 were not able to establish the fact that the first plaintiff is acting as against the trust.

7. Based on the above said observations, the trial Court proceeded to dismiss both the applications. Challenging the same, the plaintiffs 2 and 3 have filed the CRP(MD).No.660 of 2025 and the first plaintiff has filed CRP(MD).No.3282 of 2024.

8. The learned counsel for the revision petitioner/first plaintiff had contended that this Court by an order dated 08.02.2023 in CRP(MD).Nos.2322 to 2329 of 2022, while considering the issue of impleading the plaintiffs 2 and 3 in various suits filed as against the tenant, in paragraph No.8 has pointed out that the plaintiffs 2 and 3 should not make any submission which are contra to the interest of the trust which would go in favour of the tenant. However, in violation of the orders of this Court, the plaintiffs 2 and 3 herein who are the defendants in O.S.No.

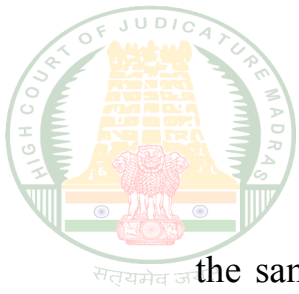


C.R.P.(PD)(MD).Nos.3282 of 2024 & 660 of 2025

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60 of 2021 had filed an additional written statement disputing the title of the trust and has contended that the tenant has not committed any willful default. Further they have also prayed for dismissal of ejectment the suit. Therefore, it is clear that the plaintiffs 2 and 3, in violation of the undertaking given before this Court, have acted as against the trust and in collusion with the tenant. The trial Court has not properly appreciated the attitude of the defendants 2 and 3.

9.The learned counsel for the respondents in CRP(MD).No.3282 of 2024 had contended that the properties are owned by Samy Chettiar Nandavanam and Buildings Private Trust which is more than 100 years old trust. The first plaintiff in the present suit has created a new trust in the year 2017 in the name and style of Samy Chettiar Nandavanam Private Trust, Paramakudi and he is trying to usurp the properties of the trust. Only in the name of the new trust, eviction petition has been filed as against the tenant. Therefore, the plaintiffs 2 and 3 in the present suit, who are arrayed as defendants in the other suit, have filed a written statement contending that the property belongs to the original trust and the plaintiff trust in the said suit is not the owner. This pleadings have been made by the plaintiffs 2 and 3 only to protect the trust properties and to safeguard



C.R.P.(PD)(MD).Nos.3282 of 2024 & 660 of 2025

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the same so that the properties would be retained in the name of the old trust. It is further contended that the tenant in the said suit have been regularly paying the rent to the trustees of the old trust. Therefore, the suits filed in the name of the new trust alleging default cannot stand scrutiny of law. Only under these circumstances, the additional written statements were filed by the plaintiffs 2 and 3 in those suits. Therefore, these pleadings cannot be construed to be made as against the interest of the trust. On the other hand, these additional written statement were filed only to protect the interest of the old trust and to safeguard them from the hands of the first plaintiff in the present suit.

10.The learned counsel for the petitioner/plaintiffs 2 and 3 in CRP(MD).No.660 of 2025 had contended that the first plaintiff, having created a new trust, is trying to usurp the properties of the old trust and therefore, he should be deleted from the array of parties.

11.Per contra, the learned counsel for the respondents in CRP(MD).No.660 of 2025 had contended that the new trust has been created only to protect the properties of the old unregistered trust. Therefore, the creation of a new trust cannot found to be an act which is contrary to the interest of the trust.



C.R.P.(PD)(MD).Nos.3282 of 2024 & 660 of 2025

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12.I have considered the submissions made on either side and perused the material records.

13.It is clear from the submissions made on either side that the suit schedule properties belong to Samy Chettiar Nandanam Building Trust, Paramakudi. However, a new trust has been created in the year 2017 in the name and style of Samy Chettiar and Nandanam Private Trust, Paramakudi. A dispute has arisen whether the new trust or the old trust is the owner of the properties. The plaintiffs 2 and 3 who are said to have been removed from the new trust by the first plaintiff have started contending that the new trust cannot have any title over the properties of the old trust.

14.It is also a matter of record that the removal of plaintiffs 2 and 3 from the trusteeship of the new trust is the subject matter of O.S.No. 146 of 2020 pending on the file of the Subordinate Court, Paramakudi. When the removal is already a subject matter of the suit, it may not be proper to delete the name of the plaintiffs 2 and 3 from the array of parties. Similarly, whether the first plaintiff is acting as against the trust or not, has to be found out by only during the trial. In such circumstances, the trial Court has rightly arrived at a finding that both the applications have to be



C.R.P.(PD)(MD).Nos.3282 of 2024 & 660 of 2025

dismissed.

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15. In view of the above said deliberations, there are no merits in these revision petitions. Accordingly, both the Civil Revision Petitions stand dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**18.03.2025**

Index : Yes/No  
Internet : Yes/No  
NCC : Yes/No  
msa

To

1. The District Munsif, Paramakudi
2. The Record Keeper,  
Vernacular Section,  
Madurai Bench of Madras High Court,  
Madurai.



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C.R.P.(PD)(MD).Nos.3282 of 2024 & 660 of 2025

**R.VIJAYAKUMAR, J**

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Pre-delivery order made in  
C.R.P.(PD)(MD).Nos.3282 of 2024 & 660 of 2025  
and CMP(MD).Nos.18958 of 2024

18.03.2025