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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-11-2026

CORAM

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

OA No. 616 of 2026

In

C.S.No. 145 of 2026

AR.L. Sundaresan
S/o.Dr.AR.Lakshmanan,
Trustee, Dr.M.A.M.Ramaswamy Chettiar
of Chettinad Charitable Trust, Chettinad House,
Raja Annamalaipuram, Chennai-600028
Residing at No.48/1, New No.64, 3rd Main Road,
Gandhi Nagar, Adyar, Chennai-600020

..Applicant

Vs

1. Dr. M.A.M. Ramaswamy

   Chettinad Charitable Trust

   Rep by its Board of Trustees
   Chettinad House,
   Raja Annamalaipuram,
   Chennai-600028

2. Dr.A.C.Muthiah
   S/o.Late. Dr.M.A.Chidambaram Chettiar,
   No.26, Gandhi Mandapam Road,
   Kotturpuram. Chennai-600085

3. Dr.L.Alagusundaram
   S/o.P.Lakshmanan Chettiar,
   B8, Baashiyaam Bona Ventura,
   No.39, South Canal Bank Road,
   Raja Annamalaipuram, Chennai-600028

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4. Mr.K.T.R.Raja Karuppan Chetty
No.3A, Damodarapuram Main Road,
Adyar, Chennai-600020

5. Mr.N.Chidambaram
Old.No.28, New.No.59, Big Street,
Triplicane, Chennai-600005

6. Mr.N.Alagappan
No.10A, K.V.Street,
Kottaiyur 630106
Sivagangai District.

..Respondent

Grant interim injunction restraining the Defendants 4 to 6 herein or any other person or persons claiming through them or authorized by them, from in any manner claiming or acting directly or indirectly as Trustees of the 1st Defendant Trust pursuant to the Deed of Amendment to Trust Deed dated 26/02/2026, registered as Document No.42 of 2026 in the Office of the Sub Registrar, Mylapore or otherwise, pending disposal of the above suit.

For Applicant(s):	A L.Somayaji, Senior Counsel
	AL. Ganthimathi, Senior Counsel
	For M/s. Palani Muthu
For Respondent(s):	Mr.P.V. Balasubramaniam, Senior Advocate – D4 &D5
	For Mr.Vadiraj Anirudh.
	Mr.M.Sricharan Rangarajan, Senior Advocate
	For Mr.A. Leeban – D6

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This application has been filed by the plaintiff seeking an interim injunction restraining defendants 4 to 6 from functioning as trustees of the first defendant Trust pursuant to the Deed of Amendment to the Trust Deed dated 26.02.2026.

2. The suit is filed seeking a declaration that defendants 4 to 6 are not trustees of the first defendant Trust and that the Deed of Amendment to the Trust Deed dated 26.02.2026, whereby defendants 4 to 6 were co-opted/inducted as trustees of the first defendant Trust, is illegal, void and not binding.

3. The plaintiff states that Dr. M.A.M. RamaswamyChettiar executed a registered Declaration of Trust dated 09.02.2015, constituting a charitable trust with five trustees, comprising himself and four others. Dr. M.A.M. RamaswamyChettiar passed away on 02.12.2015. Thereafter, the second defendant, Dr. A.C. Muthiah, was appointed as Managing Trustee and was in control and management of the affairs of the Trust. While the second defendant was indisposed, the third defendant and Mr. Jawahar Vadivel were appointed as trustees. Subsequently, Mr. Ashwin C. Muthiah resigned from the Trust, followed by the resignation of Mr. Jawahar Vadivel. Consequently, the plaintiff, the third defendant and Kumara Rani Dr. MeenaMuthiah remained as trustees of the Trust. Thereafter, Kumara Rani Dr. MeenaMuthiah was appointed as Managing Trustee.

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4. In the above circumstances, a resolution dated 17.02.2026 was circulated to the plaintiff, proposing to co-opt defendants 4 to 6 as trustees. The plaintiff states that he did not sign the resolution and informed the other trustees that he would discuss the matter with the second defendant and thereafter decide whether to approve the resolution. However, pursuant to the said resolution, the Managing Trustee, Kumara Rani Dr. MeenaMuthiah, executed and registered a Deed of Amendment to the Trust Deed before the jurisdictional Sub-Registrar, whereby defendants 4 to 6 were inducted as trustees of the first defendant Trust.

5. The plaintiff states that, upon coming to know of the execution of the registered Deed of Amendment, he issued a registered notice dated 23.03.2026 to Kumara Rani Dr. MeenaMuthiah, raising objections to the amendment. In response, he received a reply on a newly created letterhead bearing the names of defendants 4 to 6 as trustees pursuant to the amendment to the Trust Deed.

6. Mr. A.L. Somayaji, learned senior counsel appearing for the applicant/plaintiff, submitted that the registered Deed of Amendment was executed on the basis of forged and fabricated documents and, therefore, the said deed is null and void. He further submitted that the resolution purportedly co-opting defendants 4 to 6 as trustees is contrary to Clauses 3 and 10 of the Trust Deed dated 09.02.2015, which deal with the co-option of trustees and the convening of meetings of the Board of Trustees. According to the learned senior

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counsel, the induction of defendants 4 to 6 is illegal and their continued functioning as trustees would adversely affect the interests of the Trust.

7. In response, Mr. P.V. Balasubramaniam, learned senior counsel appearing for defendants 4 and 5, and Mr. M. Sricharan Rangarajan, learned senior counsel appearing for the sixth defendant, submitted that the induction of defendants 4 to 6 as trustees is in conformity with the provisions of the Trust Deed governing the appointment of new trustees and the conduct of meetings. They further submitted that the plaintiff has admitted receipt of the resolution dated 28.01.2026 circulated to him and that, despite receipt of the same, he did not raise any objection to the proposed induction. According to them, this circumstance belies the plaintiff's allegation that the induction of defendants 4 to 6 was based on a forged or fabricated resolution. They further contended that the plaintiff, having refrained from objecting to the resolution at the relevant time, cannot now challenge the induction of the trustees.

8. They further submitted that Kumara Rani Dr. MeenaMuthiah passed away in May 2026 and that the plaintiff did not raise any objection during her lifetime, but instituted the present suit only thereafter. They contended that the balance of convenience is in favour of the defendants and that granting an injunction would cause irreparable hardship to defendants 4 to 6. On the other hand, no prejudice would be caused to the plaintiff if defendants 4 to 6 continue

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to function as trustees, as their induction is in accordance with the provisions of the Trust Deed and in furtherance of the objects of the Trust.

9. The submissions of the learned senior counsel appearing for the parties and the materials placed before this Court have been considered.

10. Clause 3 of the registered Trust Deed dated 09.02.2015 provides for the co-option of trustees, subject to the total number of trustees not exceeding seven. The said clause also provides that the trustees shall elect one among themselves as Chairman to preside over the meetings of the Board of Trustees.

11. Clause 10 of the Trust Deed deals with the conduct of meetings of the trustees. It provides that the quorum for a meeting shall be three, that decisions shall be taken by majority and that the Chairman shall have a casting vote. The said clause also provides that the business of the Trust may be transacted by circulation of minutes duly signed by the trustees.

12. The Division Bench of this Court in ***M.E. Devarajan and Others v. B.Adhikesavalu and Others*****, reported in ([2008] SCC OnLine Mad 1524),** placing reliance on the decision of the Bombay High Court in ***Mahomed Jaffer Haji Nazaralli Devji v. Mahomed Janmahomed and Others*****, (AIR 1944 Bombay 222)**, held that the administration of a trust is vested in the co-trustees and that they are required to act collectively and in their joint capacity. It was observed that there should be consensus among all the existing trustees in

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making an appointment or nomination, as the case may be, to fill a vacancy. In the absence of one of the existing trustees, an appointment or nomination made at a meeting would be invalid. Applying the said principles, the Division Bench expressed its inability to accept the contention that the persons concerned had been validly nominated or appointed as trustees.

13. The decision in *Mahomed Jaffer Haji NazaralliDevji* was subsequently considered by a learned Single Judge of the Bombay High Court in ***Ranshi L. Shah v. PremjiDevji Shah and Others, reported in [(2007) SCC OnLineBom 565],*** wherein it was held as follows:

> *"9. That was the case in which the clause relating to the appointment of new Trustees was to be interpreted. The clause relating to the holding of the meetings and considering the votes of the Trust present at such meeting was neither cited nor read. In this case the aforesaid three clauses shall have to be read together.*
>
> *10. There is specifically no distinction made in the matter of appointment of new Trustees and in other matters that can be transacted at the meeting of the Trustees. Consequently under Clause 19 which applied to 'any Meeting', the majority of the votes of the Trustees present and voting are to be regarded for any question or matter, including the question of appointment of new Trustees. This Trust is to that extent different from the Trust Deed which came up for interpretation in the Originating Summons in the case of Mohammed Jaffarsupra."*

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14. The decision relied upon by the learned senior counsel for the applicant/plaintiff is distinguishable on facts. In the present case, Clauses 3 and 10 of the Trust Deed have to be read together. Clause 3 provides for co-option of trustees, while Clause 10 provides for the manner in which the business of the Trust is to be transacted, including by circulation of resolutions and by majority decision. The provisions of the Trust Deed do not require the consensus of all the existing trustees for the co-option of new trustees. Therefore, the principle laid down in the decision relied upon by the applicant/plaintiff cannot, at this stage, be applied to invalidate the co-option of defendants 4 to 6.

15. The contention of the applicant/plaintiff that the amendment to the Trust Deed was effected on the basis of a fabricated resolution dated 28.01.2026 also requires consideration in the light of the rival submissions and the documents placed before this Court. The defendants contend that the plaintiff admittedly received the resolution circulated to him but did not raise any objection to the proposed co-option at that stage. Though the plaintiff did not sign or expressly approve the resolution, his failure to raise an objection at the relevant time is relied upon by the defendants as a circumstance in support of the validity of the resolution. The defendants further contend that, out of the existing trustees, the resolution was approved by the majority and that the Managing Trustee, who was also stated to have presided over the meeting, exercised her casting vote.

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According to them, the co-option of defendants 4 to 6 was therefore effected in accordance with Clause 10 of the Trust Deed.

16. The applicant/plaintiff further contends that the extract of the circulated resolution produced before the Sub-Registrar along with the Deed of Amendment is fabricated, as its contents differ from those of the resolution dated 28.01.2026. The defendants, on the other hand, contend that the extract is only a summary of the resolution and that the variation in its contents does not establish that the co-option of defendants 4 to 6 was not validly effected. They further rely upon the resolution dated 28.01.2026 and the admitted receipt of the circulated resolution by the plaintiff, without any objection being raised at the relevant time, to substantiate their contention that the co-option was validly effected.

17. The defendants also contend that the procedure of adopting resolutions by circulation had been followed on earlier occasions and that the plaintiff had not questioned such procedure. In support of their contention, they have produced a resolution circulated on 30.09.2025, whereby it was resolved to authorise Kumara Rani Dr. MeenaMuthiah, in addition to A.C. Muthiah, to conduct the activities of the Trust until its winding up and to sign the necessary forms relating to the various centres of the Trust in India.

18. The defendants have also produced the minutes of the 40th meeting of the Board of Trustees dated 25.12.2025, wherein the trustees unanimously

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agreed to appoint Kumara Rani Dr. MeenaMuthiah as Managing Trustee and Chairman of the Trust. The defendants rely upon the said resolution to contend that she was authorised to preside over the meetings of the Board of Trustees.

19. The defendants have further produced the circular resolution dated 15.12.2025, whereby Kumara Rani Dr. MeenaMuthiah, in her capacity as Managing Trustee and Chairman of the Trust, was authorised to sign as administrator and to effect the necessary amendment to the Trust Deed. Pursuant to the said resolution, an amendment to the Trust Deed was executed and registered by Dr. MeenaMuthiah. The defendants contend that the said action was taken pursuant to the authority conferred upon her by the trustees and cannot be said to be without authority.

20. The defendants further contend that the Trust Deed does not expressly provide for the appointment of a Chairman in the manner alleged by the plaintiff and that, by virtue of the resolutions referred to above, Kumara Rani Dr. MeenaMuthiah was authorised to preside over the meetings of the Board of Trustees. Therefore, the contention of the plaintiff that the resolution was contrary to Clause 3 of the Trust Deed, which provides for the election of one among the trustees as Chairman to preside over the meetings, cannot be accepted at this stage without a detailed examination of the relevant resolutions and the provisions of the Trust Deed.

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21. The rival contentions of the parties are founded substantially on documentary evidence, including the resolutions circulated among the trustees, the minutes of meetings and the registered Deed of Amendment. The validity of the resolutions, the manner in which they were adopted, the authority of the Managing Trustee and the alleged discrepancies between the resolution and the extract produced before the Sub-Registrar are matters which require a detailed examination of the evidence. At the interlocutory stage, this Court cannot conduct a mini-trial and conclusively determine whether the induction of defendants 4 to 6 was in conformity with the Trust Deed.

22. The resolution purportedly co-opting defendants 4 to 6 is dated 28.01.2026. The plaintiff is stated to have received the resolution on 17.02.2026. However, the plaintiff issued a notice to Kumara Rani Dr. MeenaMuthiah only on 23.03.2026, stating that he had not consented to the induction of the new trustees and expressing surprise upon coming to know of the registered Deed of Amendment. He further contended that the amendment was invalid and was not supported by a valid resolution of the Board of Trustees.

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23. The Division Bench of this Court in ***ThiruthaniArulmiguMurugan Educational Trust, Chennai and Others v. S. Saravanamuthu and Others, reported in [(2014) SCC OnLine Mad 3439]***, held that the grant of an interim injunction is a discretionary relief and that, while considering an application for temporary injunction, it is neither necessary nor desirable for the Court to record findings on the merits of the dispute.

24. Reliance was also placed on the decision of the Hon'ble Supreme Court in ***Vijay Singh Gond v. Union of India, [(2007) 3 SCC 519],*** wherein it was held that, where the grant of interim relief is likely to create further problems, complications and confusion, the Court would be justified in declining to grant such relief.

25. It is well settled that the grant of an interim injunction is discretionary and is ordinarily intended to protect the rights of the parties pending adjudication of the substantive relief sought in the suit. At the stage of considering an interlocutory application, the Court is not expected to conduct a mini-trial or render findings which may prejudice the adjudication of the suit on merits.

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26. The registered Deed of Amendment to the Trust Deed is dated 26.02.2026. In the reply dated 23.03.2026, Kumara Rani Dr. MeenaMuthiah stated that the co-option of defendants 4 to 6 was in accordance with Clauses 3 and 10 of the Trust Deed and that the plaintiff's failure to sign the resolution, for whatever reason, did not invalidate the resolution or render the induction of the new trustees void. She called upon the plaintiff to accept the induction of the new trustees in the spirit in which it was intended. Kumara Rani Dr. MeenaMuthiah passed away in May 2026, and the suit was instituted only in June 2026.

27. Considering the above circumstances, particularly the nature of the dispute, the documentary evidence relied upon by both parties and the fact that the validity of the resolutions and the Deed of Amendment requires a detailed examination at trial, this Court is of the view that granting an interim injunction restraining defendants 4 to 6 from functioning as trustees of the first defendant Trust at this stage may cause greater hardship and may interfere with the administration of the Trust pending adjudication of the suit. The plaintiff has not made out a sufficient case for the grant of the interim relief sought.

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28. Accordingly, this application is dismissed.

29. It is made clear that the observations made in this order are confined to the disposal of the present application and shall not be construed as expressing any opinion on the merits of the rival contentions. The claims of the parties shall be adjudicated independently, on the basis of the evidence and materials placed on record, at the time of trial.

30. Post the main suit on 06.01.2027 for filing written statements, if any, by the defendants.

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HEMANT CHANDANGOUDAR, J.

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