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A No. 3861 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-01-2026

CORAM

THE HON'BLE DR.JUSTICE R.N.MANJULA

**A No. 3861 of 2024
in C.S.No.567 of 1949**

1. Oletti Sakunthala,
W/o.Late Oletti Munirathinam,
10, Surya Enclave, Lakshmi Nagar,
Gerugambakkam, Chennai 600 122.
2. Pushpalatha AB,
D/o.Late Oletti Munirathinam,
10, Surya Enclave, Lakshmi Nagar,
Gerugambakkam, Chennai 600 122.

..Applicant(s)

Vs

1. C.A.Ganesan
S/o.Late Chandralu Anjaneyelu Chetty,
No.29, Bajanai Koil Street,
C-30, Chandan Apartments,
Vijaya Shanthi Buildings, Choolaimedu,
Chennai 600 094.

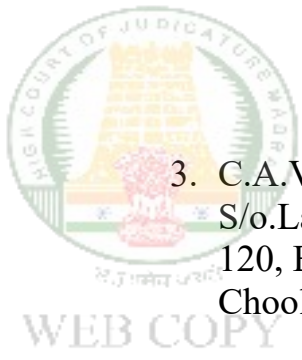
Oletti Sriramalu Chetty (Deceased)

Oletti Radiah Chetty (Deceased)

Chanduru Cunniah Chetty (Deceased)

C.Anjaneyelu Chetty (Deceased)

2. Suryakumari,
6/53, Nallathambi Street,
Triplicane, Chennai 600 005.



3. C.A.Venkatesan,
S/o.Late.Chandaluru Anjaneyelu Chetty,
120, Bajanai Koil Street,
Choolaimedu, Ch-94.
4. C.A.Parthsarathy,
S/o.Late.Chandaluru Anjaneyelu Chetty,
D.No.169, F.No.-D, Shanthi Nagar Main Road,
Chrompet, Chennai-600044.
5. Mohan Vel Chandhuluru Anineayalu
S/o.Late. Chandaluru anjaneyelu Chetty,
Rep by its Power Agent, Mr.C.A.Venkatesan,
120, Bajanai Koil Street,
Choolaimedu,
Chennai-600094

(Respondents 3 to 5 are implaeded as per order
dated 19/11/2025 in A.No.5552/2025)

..Respondent(s)

PRAYER – This Application is filed under Order XIV Rule 8 of the Madras High Court Original Side Rules read with Section 151 of C.P.C., to set aside the order dated 27.11.2020 passed in Application No.5902 of 2016.

For Applicant(s): Ms.Dipthi Munoth.A

For Respondent(s): Mrs.Chitra Sampath,
Senior Counsel,
for M/s.M.G.Sumitra (for R1)

Mr.H.S.Hredai (for R3 to R5)

ORDER

This Application has been filed to set aside the order dated 27.11.2020 made in Application No.5902 of 2016.



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2.The applicants are wife and daughter of late Oletti Munirathinam, who had been holding the trusteeship for the management of the Oletti Guruvajamma Charitable Trust as per the scheme decree dated 07.07.1953.

3.As per the scheme decree, the members of the two families namely Oletti family and Chanduluru family can be considered for filling up the vacancy in the trusteeship. For a better understanding, clause 4 (a) and (b) of the scheme decree had been extracted as follows:-

“4(a). That if the vacancy relates to the office of Trusteeship held by the 1st plaintiff, the 1st plaintiff shall be entitled to nominate during his life time, if he intends to retire, any member of Oletti family, preference however being given to the 2nd plaintiff herein at that time if he is alive and if such vacancy arises by the death of the 1st plaintiff, the 2nd plaintiff, if he is alive by then, or any respectable member of the Oletti family as far as possible residing at Madras shall be substituted as Trustee in the place of the 1st plaintiff;

(b) That if the vacancy arises by the retirement or resignation of C.Anjhaneyalu Chetty, such vacancy shall be filled up by nomination duly effected by G.Anjaneyalu Chetty or any Vyaya gentlemen residing at Madras, in his place and that if such vacancy be caused by the death of C.Anjaneyalu Chetty, such vacancy shall be filled up by any respectable gentlemen belonging to the Chanduluru family and as far as possible a resident of Madras;”



4.If any nomination have been made from either of the families and the trusteeship is vacant, then as per clause 4(c) of the terms, the following arrangement can be made. Clause 4(c) is extracted hereunder:-

“4(c). That in case the office of the Trusteeship for the trust, as aforesaid, falls vacant by reason or no nomination having been effected as aforesaid by either the 1st plaintiff or C.Anjaneyalu Chetty or by reason of any suitable person not being available to take up the office of the said Trusteeship in accordance with the conditions as aforesaid, then it shall be competent to any person affected to move this Court for suitable directions to fill up such vacancies;”

5.Accordingly, the Trusteeship has been held by members from both the Oletti family and Chanduluru family. An application has been filed in A.No.5902 of 2016 by one of the trustees who belongs to Chanduluru family by name C.A.Ganesan, seeking modification of the scheme decree on the understanding that there was no nomination made to represent the Oletti family as against the vacancy arising in the Trusteeship. In the said application, this Court passed an order on 27.11.2020 making various observations and modifications. So far as these applicants are concerned, they are affected by Paragraph No.12 of the order dated 27.11.2020, which reads as under:

“12.Since there is no successor, as contemplated in clause 4(a) to succeed to the trusteeship it is open to the trustees to nominate any male member from the Vysya community to be appointed as trustee along with the applicant who belongs to



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Chanduluru family. The terms of the decree is modified in respect of Clause 4(a), to read that since there is no member of Oletti family available to be substituted as trustee, this branch shall be represented by any male member of the Vysya Community who shall be nominated by the applicant in consultation with the other male members of the Chanduluru family. In case, there is a claim from any male members of the Oletti family, then automatically the said person should be considered for nomination as a trustee. The decree is modified to this extent.”

6.The grievance of these applicants is that Clause 4(a) of the terms of the original scheme decree does not restrict the members representing Oletti family only to male members, but in the order dated 27.11.2020, it has been stated that if there is no member of Oletti family available to substitute as trustee, that branch shall be represented by any male member of the Vysya community who shall be nominated by the applicant with other male members of the Chanduluru family.

7.At that point of time, these applicants and another daughter of Oletti Munirathinam by name Suryakumari were not heard. Despite the sister of the 2nd applicant by name Suryakumari has been impleaded as 6th respondent, she did not send any interest and she was set exparte. These applicants who are wife and one of the daughters of the Oletti Munirathinam (erstwhile trustee representing Oletti family) filed an application in A.No.2943 of 2022 by



stating that they were not given any opportunity of hearing while passing the order dated 27.11.2020 by modifying Clause 4(a) and by restricting it to male

members of Vysya community for appointment and sought certain prayers.

As the prayer made in the said application was to the effect of declaring the applicant as managing trustee of Oletti Guruvajamma Charitable Trust, the Court had passed an order dated 06.10.2023 by giving them the liberty to withdraw that application and to file proper proceedings and thereafter, the applicant in A.No.2943 of 2022 who is the wife of Oletti Munirathinam has filed the present application in A.No.3861 of 2024 along with one of her daughter, seeking to set aside the order dated 27.11.2020.

8.The only grievance of these applicants is that even when Oletti Munirathinam was alive, he had made nomination by appointing the 1st applicant who is the wife of the Oletti Munirathinam as trustee, which was not brought to the notice of this Court. Had it been brought to the notice of this Court, the Court would have simply passed an order to appoint the representative of Oletti family to hold the vacancy that arose as against the said family. It appears that even the applicant in A.No.5902 of 2016 viz., C.A.Ganesan also was aware of the said nomination. The said C.A.Ganesan is the 1st respondent in this application and he cannot have any objection to the terms of the main scheme which reserves one member to be filled from the



Oletti family. Since Paragraph No.12 of the order dated 27.11.2020 came to be passed on the understanding that no member of the Oletti family was available to be substituted as a trustee, now that can be modified suitably by allowing this 1st applicant to hold the trusteeship as against the vacancy that arose from the Oletti family.

9.The 2nd respondent, the daughter of the 1st applicant and the 5th respondent in A.No.5902 of 2016 is the another daughter of Oletti Munirathinam. She also did not raise any objection for the modification now sought by these applicants.

10.The respondents 3 to 5 are brothers of the 1st respondent herein/applicant in A.No.5902 of 2016 and belonging to Chanduluru family. Since they belong to Chanduluru family, they also cannot have any objection to the trusteeship reserved for the Oletti family for which these applicants seek the relief.

11.Despite the applicants have been afforded an opportunity to take appropriate proceedings by filing an application, they have sought the prayer inappropriately, to set aside the order dated 27.11.2020. Since the order dated



27.11.2020 has other aspects which do not affect the interest of these applicants and the interest of these applicants revolves only in respect of the modification done in Paragraph No.12, the appropriate relief that can be prayed by these applicants is only for modifying the order in respect of Paragraph No.12 and to restore Clause 4(a) to its original position found in the scheme decree dated 07.07.1953. However, in the interest of justice, this Court can mould the relief and grant the limited relief the applicants would deserve.

12.Since Clause 4(a) of the scheme decree has been made in such a way that the members of the Oletti family can be substituted as the trustees and the applicants prove to be the members of the Oletti family and in fact the 1st applicant has been nominated by the erstwhile Oletti family trustee namely Oletti Munirathinam, there cannot be any difficulty in restoring Clause 4(a) to its original status. To this extent, the order dated 27.11.2020 can be modified without modifying it in its entirety.

13.By this modification, the 1st applicant can occupy the vacancy in the trusteeship reserved for Oletti family, but she cannot claim herself as the managing trustee which is not seen in the scheme decree. Suryakumari, the 2nd



respondent did not evince any interest either to participate in this proceedings or to contest in the earlier application in A.No.5902 of 2016. Since the 2nd applicant also did not have any objection to appoint her mother/1st applicant as the trustee representing the Oletti family, I feel it is appropriate to modify the order dated 27.11.2020 to the limited extent of restoring Clause 4(a) of the scheme decree to its original position.

And thus, this application is allowed and disposed.

20-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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DR.R.N.MANJULA, J.

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