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CS No. 277 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-01-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

**CS No. 277 of 2024 &
A.No.5117 of 2025**

1. Raja Subramani
S/o S.R.Subramani
Trustee, Sri Sankara Trust
2. Aishwarya Venketraman
W/o Raja Subramani
Trustee, Sri Sankara Trust

Both Plaintiffs Having Office At Sri Sankara
Trust, No.10, Medavakkam Tank Road,
Perambur, Barracks Chennai - 12.
And
Residing at C1, 10, Navins Kumarakottam
No.16, Radhakrishnan Salai, Valasaravakkam,
Alwarthirunagar, Ambattur,
Tamil Nadu - 600 087.

..Plaintiff(s)

Vs

NilNil

..Defendant(s)

Prayer:

Civil Suit filed under Section 92(1) (f) r/w Order VII Rule 1 of CPC and Order IV Rule 1 of the O.S. Rules to a) Permit the Plaintiffs being Trustees of the Sri Sankara Trust, to effect sale of the property at Plot No.70, Venkatesapuram Colony, Ayanavaram, Chennai 23, more fully described in the Schedule of Property to prospective purchasers within a reasonable time-frame as may be fixed by this Honble Court and utilise the sale proceeds thereof for furthering the objects of the Trust and such other objects as the Plaintiffs may deem fit and proper subject to the conditions forming a part of the Deed of Declaration of Trust dated 26.05.1965



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For Plaintiff(s):

Mr.A.K.Sriram
Sr.Counsel
M/s P.B. Ramanujam Associates

JUDGMENT

The plaintiffs, being trustees of Sri Sankara Trust, have filed this Suit under Section 92(1)(f) of CPC r/w Order VII Rule 1 of the CPC and Order IV Rule 1 of O.S.Rules to permit them to sell the trust property and utilise the sale proceedings for the object of the trust.

2. According to the plaintiffs, late Shri.T.M.P.Mahadevan, established Sri Sankara Trust through a Deed of Declaration of Trust dated 26.05.1965. The primary objectives of the Trust, as articulated by the Author, were the propagation, promotion and popularization of Sri Sankara's Advaita Philosophy and the promotion of Hindu Religion along with ideals of Bhakthi and devotion of God. The said author died on 05.11.1983. One V.S.Venkataraman and his wife, namely, Padma Venkataraman were carrying forward the trust objectives and they have been appointed as trustees in accordance with the provisions set out in the Deed of Declaration of Trust. The said trustees, due to their old age, to effectively discharge the duties, found challenge to manage the affairs of the trust. Thereafter, by exercising their powers envisaged in Clause 16 of the Deed of Declaration of Trust, appointed Shri.S.R.Subramani and Smt.Geetha Subramani, as trustees through deed of Appointment of Trustees in execution of power deed dated 24.04.1991. Thereafter, the erstwhile trustees appointed the plaintiffs as



trustees by way of Deed of Nomination / Appointment to Office of trusteeship dated 28.06.2024. They are also fulfilling the objects of the trust.

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3. After careful deliberations and evaluations of Trust's current financial situation and future needs, the plaintiffs have determined that the sale of the schedule property would provide the much needed financial resources to support the comprehensive development and sustained maintenance of the shrine dedicated to Saint Sri Sankara. The plaintiffs are dedicated to promote the teachings and philosophy of Saint Sri Sankara and as such, the proceeds from the sale of the property would be utilised to support various objects of the trust. Therefore, the Board of Trustees passed resolution dated 28.09.2024 to sell the property by obtaining permission from the Court. Therefore, the plaintiffs have filed the suit to permit them to sell the trust property for the benefit of the trust.

4. Therefore, this Court directed the plaintiffs to effect paper publication in one issue of English and Tamil Daily, widely circulated and distributed in Chennai informing the proposed sale of the trust property to the general public by inviting prospective purchasers to make their offers to the plaintiffs. Thereafter, the plaintiffs had received seven enquiries from the individuals and some of them had visited the trust property and also shared valuation report prepared by the competent authorities. The market value of the property is between a sum of Rs.8 Crores to Rs.10 Crores. The plaintiffs have received highest bid from one M/s Kamalam Builders Pvt., Ltd., for a total sum of



Rs.9,50,00,000/- excluding of applicable stamp duty and registration expenses.

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5. Thereafter, having engaged in discussions with M/s Kamalam Builders Private Limited, the plaintiffs found that the said company possesses exemplary credentials and distinguished track record in the construction of industry, therefore, effecting private sale to M/s Kamalam Builders would be manifestly in the best interests of the Trust and would significantly enhance the derivable value from the sale of the trust property. The offer of Rs.9.5 Crores represents the higher end of the valuation range, thereby ensuring that the trust receives optimal value of the property. Therefore, the plaintiffs filed an application in A.No.5117 of 2025 to permit them to effect private sale of the trust property to M/s Kamalam Builders Pvt., Ltd.,

6. Heard the learned counsel for the plaintiffs and perused the entire documents placed on record.

7. After effecting paper publication, no objections have been received from any party. Further, based on the publication inviting applications from the public, the plaintiffs received the applications and the proposed purchaser namely, Kamalam Builders Pvt., Ltd., is the highest bidder. On the side of the plaintiffs, they examined P.W.1 and P.W.2 and marked exhibits P.1 to P.12. A perusal of evidences P.W.1 and P.W.2 and exhibits P.1 to P.12, reveals that the said M/s Kamalam Builders Pvt., Ltd., is the highest bidder, offering a sum



of Rs.9.50 crores. The evidence of P.W.1 also revealed that the sale proceeds would be utilised for the purpose and benefits of the trust and the plaintiffs also undertake to comply with any direction / condition to be imposed by this Court. Further, there is no adverse interest as against the trust, therefore, it is appropriate to allow the Application and the Civil suit.

8. Accordingly, the Civil Suit is decreed in favour of the plaintiffs on the following terms:-

(i) The plaintiffs are permitted to sell the property for not less than Rs.9.5 Crores to M/s Kamalam Builders Pvt., Ltd.,

(ii) For safe custody, after completion of sale, the registered sale deed has to be deposited before this Court and the plaintiffs are at liberty to utilize the funds for benefit of the Trust. If there is any balance amount after utilization for the benefit of the trust, the remaining amount has to be deposited into any of the Nationalized Bank and the plaintiffs are 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.

Consequently, connected Application No.5117 of 2025, to permit the applicants to effect private sale of the property to M/s Kamalam Builders Pvt., Ltd., is allowed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No



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P.DHANABAL, J.

ssd

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