



WEB COPY

CS No. 288 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-02-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

CS No. 288 of 2025

1. Dewan Bahadur P.Vijayaraghavalu Chettiar
Charitable Trust
Rep.by its Trustee M.Vasudevan, No.40/79,
Arunachalam Street, Chintadripet, Chennai 600
002.
2. Mrs.V.Ishwarya
Trustee in Dewan Bahadur P.Vijayaraghavalu
Chettiar Charitable Trust D/o.Mr.M.Vasudevan.
New.No.40 Old No.79, Arunachalam Street,
Chintadripet, Chennai 600 002

..Plaintiff(s)

PRAYER: The Complaint filed under Order VII Rule 1 read with Section 92(1)(f) of Code of Civil Procedure seeking to permit the Plaintiff to sell the suit schedule property to Mr.K.Arimadhavan by way of sale deed for total sale consideration of a sum of Rs.1,50,00,000/- as per sale agreement dated 23.02.2024 and to deposit the sale proceeds in a nationalised bank viz., M/S.Indian Overseas Bank, Chintadripet Branch, Chennai-600002 in A/c. No.011802000006808 belonging to Dewan Bahadur P.Vijayaraghavalu Chettiar Charitable Trust.



For Plaintiff(s):

Mr. K.Venkatasubban

for M/s. Sarvabhauman Associates

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JUDGMENT

This Civil Suit has been filed by the Plaintiff to permit the Plaintiff to sell the suit schedule property to Mr.K.Arimadhavan by way of sale deed for total sale consideration of a sum of Rs.1,50,00,000/- as per sale agreement dated 23.02.2024 and to deposit the sale proceeds in a nationalised bank viz., M/S.Indian Overseas Bank, Chintadripet.

2. According to the Plaintiff, the 1st Plaintiff is the Trust represented by the Trustee and the 2nd Plaintiff is one of the Trustees of the 1st Plaintiff Trust. Originally the Suit property belonged to one Dewan Bahadur P. Vijayaraghavalu Chettiar through a Sale Deed dated 14.03.1907 and the same was settled in favour of Mrs. Sundarajammal and her husband Mr. C. Kupuswamy Chettiar vide a Settlement Deed dated 26.08.1937. At the time of settling the properties, the Settlor had appointed the Settlees as Hereditary Trustees vested with the powers to appoint their successors as future Trustees. The Trustees were permitted to receive rents from the Suit property after the life time of the Settlor and after meeting out public dues and necessary maintenance work for the building, out of the net income that remains has to be utilized for charitable purpose for feeding the poor irrespective of their caste and creed one day a week more preferably on Sunday. Thereafter, a rectification deed was



executed by Mrs. Sundarajammal on 15.06.1939 and she appointed her daughter namely Santhammal as a Trustee. The said Santhammal died on 03.12.2007 leaving behind two sons namely M. Mohan and M. Vasudevan. The said Mohan died on 02.03.2023 as a bachelor leaving behind his brother M. Vasudevan as his only legal heir and he is the present Managing Trustee of the Trust and the 2nd Plaintiff is the Trustee. Out of the total extent of 2082 sq. ft., 282 sq. ft. was acquired for road widening and the extent of land available with the Trust is 1800 sq. ft.. The said property is almost 90 years old and it is in dilapidated condition and due to which, the tenants have vacated the premises and there is no income to fulfill the object of Trust to feed the poor as per the wishes of the founder of the Trust. Therefore, the Plaintiffs decided to sell the property in order to fulfill the object of the Trust. After several round of discussions, the proposed purchaser namely K. Arimadhavan agreed to purchase the suit property for a sum of Rs.1,50,00,000/-. They also entered into an agreement of Sale dated 23.02.2024. An advance of Rs.1,00,000/- has been received by the Plaintiff. Therefore, they filed the Suit.

3. There are no defendants in the Suit and after filing the Suit, this Court directed the Plaintiffs to cause paper publication and the paper publication was also effected. There is no any objection from any party. Thereafter, the matter was referred for recording evidence. In order to prove the case of the Plaintiffs, PW1 was examined and Ex.P.1 to Ex.P.10 were marked.



4. On a careful perusal of the evidence of PW1 and Exhibits from P.1 to Ex.P10, it is made clear that the property belongs to the Trust and it is in dilapidated condition and the Plaintiffs are the Trustees of the Trust. Now the Board of Trustees decided to sell the property for the benefit of the Trust. The Trust also entered into an agreement with one K. Arimadhavan for a sum of Rs.1,50,00,000/-. An advance amount of Rs.1 lakh was also paid. Therefore, the Plaintiffs filed this Suit. As far as the Trust property is concerned, for the benefit of the Trust, the property has to be sold through a public auction and the Plaintiffs are permitted to cause paper publication by inviting applications for purchase of the property and thereafter, the Trust can sell the property for high price. Therefore, it is appropriate to decree the Civil Suit by permitting the Plaintiffs to sell the property through public auction. For the highest successful bidder, the property can be sold and the amount can be deposited in any one of the nationalised bank and the same can be utilized for the benefit of the Trust.

5. Considering the above said reasons, it is appropriate to allow this suit to sell the suit property and accordingly this Court is inclined to grant permission to the plaintiffs to sell the schedule mentioned property subject to the following conditions:

(i) The plaintiffs are permitted to sell the property for not less than guideline value of the property through public auction by inviting applications from the prospective purchasers.



(ii) The plaintiffs are directed to invest sale proceeds in the fixed deposit in any nationalised bank and the interest accrued therein shall be utilised by the plaintiffs for the benefit of the trust ;

(iii) 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 interest accrued for the benefit of the trust. The memo of calculation are to be filed along with the registration of the sale deed.

(iv) With the above said conditions, the *Civil Suit is decreed as prayed for.*

06-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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CS No. 288 of 2



P.DHANABAL, J.

MJS

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