
(2012) 05 MAD CK 0006
In the Madras High Court
Case No : C.R.P. No. 2626 of 2010

Rani Thaiyal Nayagi Ammal Choultry	APPELLANT
Vs	
S. Venkatesan and others	RESPONDENT

Date of Decision : 03-05-2012

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 104(1)(ffa), 92, 92(1), 92(1)(ah), 92(1)(c)

Citation : (2012) 4 LW 67

Hon'ble Judges : V. Periya Karuppiah, J

Bench : Single Bench

Advocate : R. Subramanian, for M/s. S. Hemalatha, for the Appellant; S. Vasudevan for Respondents 1 to 4 and No appearance for Respondent - 5 and 6, for the Respondent

Final Decision : Allowed

Judgement

V. Periya Karuppiah, J.—This revision is directed against the orders passed by the lower Court in I.A. No. 791 of 2008 in O.S. No. 267 of 2008 dated 29.07.2009 in revoking the leave granted to sue u/s 92 CPC as per order in I.A. No. 608 of 2008 on 18.09.2008. The Revision Petitioners were the respondents and the respondents herein were the petitioners in I.A. No. 791 of 2008 in O.S. No. 267 of 2008.

2. The brief facts of the case of the petitioners in I.A. No. 791 of 2008 / respondents herein before the lower Court would be as follows:-

The petitioners are the defendants 1, 2, 3, 5, 7 and 9 in a suit filed by the respondents/plaintiffs for the reliefs specified thereunder. The petitioners have lodged a caveat in COP. No. 417 of 2008 on 14.07.2008 and it was valid up to 14.10.2008. However, without giving any notice to the petitioners, the application filed in I.A. No. 608 of 2008 seeking leave u/s 92 CPC was ordered exparte and the plaint filed by the respondents were admitted. The respondents/plaintiffs filed the suit as if the suit properties were the trust properties. But, the

suit property is a private property maintained by Savalai Ramasamy Mudaliar, the great grand father of second petitioner, till his lifetime. Thereafter, the said guest house was maintained by the father of the second petitioner viz., S. V. Ramakrishnan Mudaliar and after his demise, the second petitioner was maintaining the property as his private property till he sold the same to the first defendant. The alleged Will dated 28.01.1908 did not contain the suit property nor it had been dedicated as trust property under the said Will and a portion of the said property was sold to one R. Vasudeva Naicker through a sale deed dated 16.07.1979. Since there was no trust created over the said property, no right can be accrued through the said Will dated 28.01.1908 since it was not probated. The petitioners did not manage the suit property in the capacity as trustees, since the property was never dedicated as trust property. The said property was neither dedicated as public trust nor any public was allowed to stay and utilise the same. The said property was exclusively possessed and enjoyed by the family members of S. V. Ramasamy Mudaliar and S. V. Ramakrishna Mudaliar and the second petitioner's family. The respondents had initially filed O.S. No. 171 of 1995 before the Court for declaration and recovery of possession and for other reliefs and the said suit was transferred to District Munsif-cum-Judicial Magistrate, Thirukazhukundram and was renumbered as O.S. No. 186 of 1996 and the respondents contested the suit and produced several documents and the case was posted for arguments. The respondents having smelt that they had no case, they have come forward with an application to withdraw the suit with liberty to file a fresh suit in I.A. No. 371 of 2007 and the same was allowed on costs. The respondents have come forward with this suit as a second round of litigation and it is nothing but the abuse of process of Court. The relief sought for in the earlier suit is of identical in nature. The prayer made in the plaint to declare the suit property as belonging to Rani Thaiyal Nayagi Ammal Choultry Trust is outside the scope of Section 92 CPC, which dealt with public charity. No such relief is grantable u/s 92 CPC. The respondents have renewed their personal rights under the guise of the alleged trust and had obtained an exparte leave behind the back of the petitioners. Therefore, the suit filed by the respondents/ plaintiffs would not be attracted u/s 92 CPC and therefore, the leave granted u/s 92 CPC has to be revoked.

3. The objections raised by the revision petitioners herein/ respondents before the Court would be as follows:-

(i)The allegation that while the caveat is in force, without giving notice to the petitioners/caveators, leave obtained in I.A. No. 608 of 2008 behind the back of the petitioner is incorrect and false. The order passed in the interlocutory application is not covered under the provision of Section 104(1)(ffa) of CPC and therefore, it is not warranted to give notice to the defendants while pending caveat. Moreover, the petitioners/defendants are strangers to the plaintiff trust property and therefore, statutory notice to them is unwarranted and not required. The above suit is instituted against the defendants in order to deliver the suit property from their clutches. No interim order is granted in injunction

petition so far.

(ii) One Raja Sir Savalai Ramasamy Mudaliar was a philanthropist and had done number of charities. He constructed a choultry in the name of his deceased first wife Tmt. Rani Thaiyal Nayagi Ammal, which meant for free stay of devotees who visited Arulmighu Rudhrakodeeswarar Temple, Arulmighu Vedagiriswarar Temple (Patchi Theertham), Arulmighu Bakthavatsalor and Arulmighu Thirupurasundari Amman Temple, Sangu Theertham, Nandhi Theertham, Arulmighu Chokkammal Temple and Arulmighu Nalvar Temple. The choultry was also given for performance of marriages and other functions. The said Raja Sir Savalai Ramasamy Mudaliar dedicated Rani Thaiyal Nayagi Ammal Choultry for charitable purposes from the date of its construction and also confirmed the same by his Will dated 28.01.1908. Under the Will, he declared that the choultry should be maintained by his sons and their successors without any power of alienation.

(iii) S. V. Ramakrishnan's first wife S. V. Rajalakshmi died in the year 1952 leaving me second and fourth defendants. The second defendant S. V. Matha Prasad subsequently got converted into Christianity and changed his name. The 3rd defendant is the son of the 2nd defendant who also belongs to Christianity. After the death of his first wife, S. V. Ramakrishnan married plaintiffs' mother S. V. R. Saroja.

(iv) During the life time of Raja Sir Savalai Ramasamy Mudaliar, he constructed a choultry at Madras opposite to Central Railway Station, which is also mentioned in the Will dated 28.01.1908. Due to mismanagement of trust fund by S. V. Ramakrishna Mudaliar, he was removed from the Trusteeship and Trust properties went to the hands of the Official Trustee / Administrative General, High Court, Madras. Now, the first plaintiff herein, viz., S. V. R. Ram Prasad, being the son of S. V. Ramakrishnan Mudaliar, is the co-Trustee of the Raja Sir Savalai Ramasamy Mudaliar Choultry Trust.

(v) Now, the suit property was under the care of one Srinivasa Iyengar, who is the father of the first defendant who purchased the trust property from 2nd and 3rd defendant through the sale deed dated 16.10.1986. The said sale deed is illegal and void as the suit property is not alienable as per the Will dated 28.01.1908.

(vi) It is true that the respondent has filed O.S. No. 171 of 1995 on the file of the District Munsif Court, Chengalpattu and the same was transferred to District Munsif Court, Thirukazhukundram and leave was obtained to file fresh suit on the same cause of action. The allegation that the suit reliefs are outside the scope of Section 92 CPC is denied as false. The petitioners never raised any valid objection to revoke the leave granted in I.A. No. 609 of 2008. Hence, the petition is liable to be dismissed.

4. The lower court had considered the pleadings of both parties and after hearing the arguments of both sides had come to the conclusion of allowing the prayer to revoke the leave granted u/s 92 CPC and the leave granted in I.A. No. 608 of

2008 dated 18.09.2008 was revoked.

5. Aggrieved by the said decision reached by the lower Court the respondents/ plaintiffs before the lower Court challenged the said order in this revision.

6. Heard Mr. R. Subramanian, learned Senior Counsel appearing on behalf of M/s. S. Hemalatha, learned counsel for the Revision Petitioners / plaintiffs and Mr. S. Vasudevan, learned counsel for the respondents 1 to 4 / defendants 1, 2, 3 and 5. No representation for the respondents 5 and 6 / defendants 7 and 9.

7. The learned senior counsel appearing for the Revision Petitioners would submit in his argument that the lower court had erroneously revoked the leave granted by it without properly understanding the case. He would also submit that Rani Thaiyal Nayagi Ammal Choultry Trust at Thirukazhukundram is a trust created under the Will dated 28.01.1908 and the said Will contains various other charities declared by Raja Sir Savalai Ramasamy Mudaliar, which included a choultry at Madras, opposite to Central Railway Station. He would also submit that the said Savalai Ramasamy Mudaliar continued as a trustee in respect of Madras Trust and thereafter, the mismanagement and irregularities happened, had resulted in filing of the suit in C.S. No. 90 of 1963 u/s 92 CPC for various reliefs, in which the then trustee S. V. Ramakrishnan was removed from the trusteeship and the trust properties were handed over to the Official Trustee, High Court, Madras. He would also submit that the said Will was approved in the said proceedings and therefore, the suit trust created in the name of Rani Thaiyal Nayagi Ammal Choultry at Thirukazhukundram could also be considered as a constructive trust created under the same Will and the legal representatives of Raja Sir Savalai Ramasamy Mudaliar continued as trustees to the trust. He would also submit that the devolution of trusteeship to the legal representatives of Savalai Ramasamy Mudaliar had been explained in the plaint and the object of the trust was to help the devotees of Arulmighu Rudhrakodeeswarar Temple, Arlumighu Vedagiriswarar Temple (Patchi Theertham), Arulmighu Bakthavatsalor and Arulmighu Thirupurasundari Amman Temple, Sangu Theertham, Nandhi Theertham, Arulmighu Chokkammal Temple and Arulmighu Nalvar Temple, to stay at Thirukazhukundram for worshipping the deities of the aforesaid temples and therefore, it is a public trust which would attract the provisions of Section 92 CPC. He would also submit that the prayer as sought for by the plaintiffs in the suit was sheerly covered u/s 92 CPC, which was not considered by the lower Court. He would also submit that the relief sought for in the plaint for declaration that the properties belonging to the trust and the declaration of the plaintiffs be the trustees of the said Rani Thaiyal Nayagi Ammal Choultry Trust and for the recovery of the suit properties, which would be the vesting of the property in the trustees and therefore, the order passed by the lower court in revoking the leave already granted by it, is not correct. He would also submit that the properties of the trust was purely for public and devotees who visit those temples and therefore, the nature of trust would be a public trust. He would also submit that even though it has been dedicated privately and the trustees have been

appointed from the family, the object of the trust being public and the trust would be considered as a public trust and Section 92 CPC would promptly apply. He would also submit that the lower court had erroneously come to the conclusion that the relief sought for by the plaintiff would not be attracted under the reliefs listed in Section 92 CPC, but the reliefs sought for by the plaintiffs for the recovery of the properties would be amounting to vestige of title. He would further submit that the lower court had already granted leave, but the revocation of leave was without any reasons. He would also submit in his argument that the finding of the court below that it would not attract the provisions of Section 92 CPC is not correct. He would further submit that the choultry meant for public was placed in charge of K.N. Srinivasa Iyengar, the father of the first defendant, who died on 07.05.1999 and till then the said object was promptly carried out. But after the death of K.N. Srinivasa Iyengar, the defendants have taken the property as if they belonged to them and have indiscriminately sold the properties to third parties as detailed in the plaint and therefore, it has become necessary for filing the suit u/s 92 CPC, so as to recover the properties of the trust. He would further submit in his arguments that when the trust was created for the public interest and it was a public trust and the appointment of trustees and the issue regarding the status of the plaintiff as trustees are liable to be decided by the court, the grant of leave is necessary before proceeding with the case. Therefore, he would request the Court to set aside the order passed by the court below and to dismiss the application for revocation of leave and thereby, to allow the revision.

8. The learned counsel for the respondent would submit in his argument that the plaintiffs did not come to court with clean hands since they filed a suit in O.S. No. 171 of 1995 before the same court for identical reliefs and the said suit was transferred and renumbered as O.S. No. 186 of 1996 before the District Munsif Court, Thirukazhukundram on pecuniary jurisdiction and the said suit was withdrawn by the plaintiffs with liberty to file fresh suit on the same cause of action. He would also submit that the nature of trust as created in the Will was purely of private nature and it was only a private trust and the plaintiffs cannot claim trusteeship be declared in their favour as the properties were not used for any public use or any trust is being carried out. He would also submit that when there is no public interest involved in the said trust, it would not become a public trust, but it would be remaining as the private trust. He would also submit that the suit property was admittedly sold out to third parties and therefore, there is no existence of public trust and the requirement of Section 92 CPC would not be available. He would also submit that the plaintiffs themselves have described the trust as a private one, even in the cause title. He would also submit in his argument that the suit as framed for the reliefs would not be attracted u/s 92 CPC. The reliefs as listed in Section 92(1)(a to h) are not found a place in the plaint and on that score itself the leave granted was revocable. He would also cite a judgment of the Hon'ble Apex Court reported in Mahant Pragdasji Guru Bhagwandasji Vs. Patel Ishwarlalbhai Narsibhai and Others, in support of his

argument. He would also submit in his argument that the plaintiffs ought to have filed a suit for vindicating the rights of the public and the vindication of the private rights would fall to the ground. In support of his argument, he would cite a judgment of the Hon''ble Apex Court reported in Swami Paramatmanand Saraswati and Another Vs. Ramji Tripathi and Another, . A judgment of this Court reported in K.R.M.T.T.A.L. Alagappa Chettiar Vs. K.R.M.T.T.A.R. Arunachallam Chetty and Others, has also been cited for the same proposition of law. He would also bring to the notice of this Court yet another judgment of the Hon''ble Apex Court reported in Vidyodaya Trust Vs. Mohan Prasad R. and Others, for the same proposition of law. He would further submit that whenever the relief sought for in the plaint is out of the scope of Section 92(1) CPC, the suitor be non-suited. In support of his argument, he would cite a judgment of a Full Bench of this Court reported in Appanna Poricha Vs. Narasinga Poricha and Others, A similar view was reached by a Division Bench of this Court following the aforesaid Hon''ble Full Bench's Judgment as cited in N. Shanmukham Chetty Vs. M. Govinda Chetty and Others, for the purpose that no account suit can be filed against the Co-trustees u/s 92 CPC. He would also submit in his argument that the nature of the trust could be ascertained by its constitution and even though the said institution was for the purpose of Dharma Sala, the nature of property would only show as a private property and not a public trust. He would rely upon a judgment of the Hon''ble Apex Court reported in Kuldeep Chand and Another Vs. Advocate General to Government of Himachal Pradesh and Others, .) in support of his argument. He would further submit in his arguments that the relief sought for by the plaintiffs would not attract Section 92 CPC and at best, the plaintiffs can claim for framing of scheme and thereafter, to pursue the matter for the alleged breach of trust if it is considered as a private trust. He would also rely upon the judgment of the Hon''ble Apex Court reported in Harendra Nath Bhattacharya and Others Vs. Kaliram Das (Dead) by his Heirs and Lrs. and Others, in support of his arguments. He would further submit in his arguments that the lower court has correctly come to the conclusion on fact that it is only a private trust and Ramakrishna Mudaliar sold the said property as his own property and the documents would go to show that the tax register was also in the name of Ramakrishna Mudaliar only and therefore, there cannot be any trust much less a public trust to attract the provisions of Section 92 CPC. Therefore, he would request the Court to dismiss the Revision and thereby, to confirm the orders passed by the lower court.

9. I have given anxious thoughts to the arguments advanced on either side.

10. The plaint was originally filed by the plaintiffs with an application to grant leave u/s 92 CPC for filing the suit. The lower court has granted leave "exparte" and numbered the suit and had issued summons to the defendants. On receipt of summons, the defendants entered appearance and had immediately filed an application to revoke the leave already granted u/s 92 CPC. When once a leave has been granted u/s 92 CPC, such leave can be withdrawn at any time prior to the disposal of the suit on the application to revoke the same or when such

application has not been filed, it can be gone into at the time of trial of the suit and finding can also be given, in one of the issues. Since an "exparte" leave has been granted u/s 92 CPC, in this suit an application to revoke the leave has been filed in I.A. No. 791 of 2008 by the defendants 1, 2, 3, 5, 7 and 9 and the same was allowed by the lower court on 29.07.2009. Against which, this revision has been preferred.

11. For Considering as to whether the plaintiff trust is a public trust and whether Section 92 CPC can be invoked in this case we could see the principles laid down by the Hon"ble Apex Court enunciated in Swami Paramatmanand Saraswati and Another Vs. Ramji Tripathi and Another, . The relevant passage would run as follows:-

10. A suit u/s 92 is a suit of a special nature which presupposes the existence of a public trust of a religious or charitable character. Such a suit can proceed only on the allegation that there was a breach of such trust or that the direction of the Court is necessary for the administration of the trust and the plaintiff must pray for one or more of the reliefs that are mentioned in the section. It is, therefore, clear that if the allegation of breach of trust is not substantiated or that the plaintiff had not made out a case for any direction by the Court for proper administration of the trust, the very foundation of a suit under the section would fail; and, even if all the other ingredients of a suit u/s 92 are made out, if it is clear that the plaintiffs are not suing to vindicate the right of the public but are seeking a declaration of their individual or personal rights or the individual or personal rights of any other person or persons in whom they are interested, then the suit would be outside the scope of Section 92. A suit whose primary object or purpose is to remedy the infringement of an individual right or to vindicate a private right does not fall under the section. It is not every suit claiming the reliefs specified in the section that can be brought under the section but only the suits which, besides claiming any of the reliefs are brought by individuals as representatives of the public for vindication of public rights; and in deciding whether a suit falls within Section 92, the Court must go beyond the reliefs and have regard to the capacity in which the plaintiffs are suing and to the purpose for which the suit was brought, This is the reason why trustees of public trust of a religious nature are precluded from suing under the section to vindicate their individual or personal rights. It is quite immaterial whether the, trustees pray for declaration of their personal rights or deny the personal rights of one or more defendants. When the right to the office of a trustee is asserted or denied and relief asked for on that basis, the suit falls outside S. 92.

12. In the aforesaid principle laid down by the Hon"ble Apex Court, it has been clearly mentioned that when the plaintiffs are not suing to vindicate the rights of public but to seek the declaration of personal or individual rights, the scope of Section 92 CPC cannot be attracted. It has been reiterated in the judgment reported in Vidyodaya Trust Vs. Mohan Prasad R. and Others, . The following passage will be relevant for perusal.

18..... The object of Section 92 CPC is to protect the public trust of a charitable and religious nature from being subjected to harassment by Suits filed against them. Public trusts for charitable and religious purpose are run for the benefit of the public. No individual should take benefit from them. If the persons in management of the trusts are subjected to multiplicity of legal proceedings, funds which are to be used for charitable or religious purposes would be wasted on litigation. The harassment might dissuade respectable and honest people from becoming trustees of public trusts. Thus, there is need for scrutiny. In the suit against public trusts, if on analysis of the averments contained in the Plaint, it transpires that the primary object behind the suit was the vindication of individual or personal rights of some persons an action under the provision does not lie. As noted in Swami Parmatmanand's case (supra) a Suit u/s 92 CPC is a Suit of special nature, which pre-supposes the existence of a public trust of religious or charitable character. When the plaintiffs do not sue to vindicate the right of the public, but seek declaration of their individual or personal rights or the individual or personal rights of any other persons or persons in whom they are interested, Section 92 has no application.

13. The same principle was also referred to in an earlier judgment of this Court reported in K.R.M.T.T.A.L. Alagappa Chettiar Vs. K.R.M.T.T.A.R. Arunachalam Chetty and Others,), which would run as follows:-

..... Now, the real test whether S. 92 applies or not is, I take it, whether the suit is fundamentally on behalf of the public for the vindication of a public right, or on behalf of a private individual for the vindication of his private rights.....

Now, the plaintiff, as I understand his plaint and as it was contended both here and in the lower Court, is not suing for the vindication of any public right. His suit is confined to a vindication of his own private right to be a co-trustee and co-manager with the first defendant and others.There is here, in my opinion, not any sort of relief for which the public would be the natural suitors. I am not prepared to hold that the finding of the lower Court upon this point was wrong.

14. On the basis of the principles laid down by the Hon'ble Apex Court and this Court, it is very clear that there cannot be any vindication of private right and there should be a vindication of public right in the said suit.

15. Similarly, the judgments of this Court as reported in Appanna Poricha Vs. Narasinga Poricha and Others, and N. Shanmukham Chetty Vs. M. Govinda Chetty and Others, would categorically laid down that a suit against the court trustees seeking for, against which is not referred to a relief u/s 92(1) CPC cannot be considered as a relief of vindicating the public interest, but would be evincing only a private interest.

16. Under the said guidance, when we approach this case, we could see that the relief sought for in the plaint will carry much importance. The following reliefs have been asked for in the plaint:-

- a) To declare that the plaintiffs are the trustees of Rani Thaiyal Nayagi Ammal Choultry at Thirukazhukundram entitled to manage and administer the said trust;
- b) to declare that the suit property is Rani Thaiyal Nayagi Ammal Choultry at Thirukazhukundram more fully described in the schedule hereunder.
- c) to declare that the sale deed dated 16.10.1986 as document No. 3378/1987 executed by the defendants 2 to 4 in favour of the 1st defendant is illegal, invalid and void and consequently and subsequent transfer by the 1st defendant in favour of the defendants 6 to 10 also illegal and invalid and not binding on the plaintiffs' trust;
- d) directing the defendants to deliver possession of the schedule mentioned property in favour of the plaintiffs' trust;
- e) directing the defendants 1 and 6 to 10 to pay past damages of at Rs. 600/- p.m from July 93, 94 and 95 for three years, as per original plaint presented on 23.07.1995 on the file of this Hon'ble Court.
- vi) to direct the defendants 1 and 6 to 10 to pay future damages at the rate of the same rate till delivery of possession of the property;
- vii) awarding costs of the suit.

17. Whether the said reliefs have been attracted u/s 92(1) CPC is a question. Section 92(1)(a to h) would run as follows:-

92. Public charities.

(1) In the case of any alleged breach of any express or constructive trust created for public purposes of a charitable or religious nature, or where the direction of the Court is deemed necessary for the administration of any such trust, the Advocate-General, or two or more persons having an interest in the trust and having obtained the leave of the Court may institute a suit, whether contentious or not, in the principal Civil Court of original jurisdiction or in any other Court empowered in that behalf by the State Government within the local limits of whose jurisdiction the whole or any part of the subject-matter of the trust is situate to obtain a Aectee,--

- (a) removing any trustee;
- (b) appointing a new trustee;
- (c) vesting any property in a trustee;
- (cc) directing a trustee who has been removed or a person who has ceased to be a trustee, to deliver possession of any trust property in his possession to the person entitled to the possession of such property;
- (d) directing accounts and inquires;
- (e) declaring what proportion of the trust property or of the interest therein shall

be allocated to any particular object of the trust;

(f) authorizing the whole or any part of the trust property to be let, sold, mortgaged or exchanged;

(g) settling a scheme; or

(h) granting such further or other relief as the nature of the case may require.

18. When the reliefs in the plaint are compared with the listed reliefs u/s 92(1) CPC, I could see that there is no relief sought for by the plaintiffs in the plaint vindicating the public interest. It is sheerly a private interest for declaration of the plaintiffs as trustees and the action of the defendants have been questioned personally for seeking such reliefs.

19. The argument advanced that the relief mentioned in Section 92(1)(c) CPC in respect of vesting of any property in a trustee would not be attracted, because the plaintiffs themselves are still to be recognised as trustee because they themselves asked for declaration. Therefore, the said relief cannot also be a relief in consequent of the other reliefs, which are to be asked for. Therefore, I could see that the plaint filed by the plaintiffs would not cover the vindication of the public right in the trust, but I could see that it is only vindication of private rights.

20. As rightly submitted by the learned counsel for the respondent that the plaintiffs are not barred from taking any further action regarding the framing of a scheme to the trust if really it is a public trust. Whether it is a public trust or private trust, it is to be decided at the time of presentation of such plaint. Therefore, it is not feasible for this Court to give any finding regarding the nature of the trust. However, I could see that the trust has been created under the Will dated 28.01.1908 in which the founder of the trust had created one Chatram near Madras Central Railway Station and also a charitable choultry at Thirukazhukundram and he has dedicated for that purpose. The said choultries even though dedicated to be a private trust, the object of the trust has to be gone into. In the said object, it has been stated that it should be used for the stay of the devotees who want to have dharsan at the aforesaid temples at Thirukazhukundram. Whether such an object is continued or not has to be decided for the decision as to whether it is a public trust or private trust.

21. In view of the findings reached by this Court that there was no vindication of public right in the reliefs sought for by the plaintiffs and therefore, the suit filed by the plaintiff would not be attracted by the provisions of Section 92 CPC and the finding regarding the nature of the trust is not necessary to be gone into in this Revision. The lower court had elaborately discussed regarding the maintainability of the suit u/s 92 CPC and had come to the conclusion that Section 92 CPC is not applicable to the suit filed by the plaintiff. Therefore, I find no reasons to interfere with the orders passed by the lower court and therefore, the orders passed by the lower court in allowing the application to revoke the leave granted to the suit u/s 92 CPC is confirmed. In the result, the Civil Revision

Petition is dismissed confirming the orders passed by the lower court in allowing the application to revoke the leave granted to the suit u/s 92 CPC. No order as to costs.