

(2011) 10 MAD CK 0079

In the Madras High Court

Case No : C.R.P. PD (MD) . No"s. 626, 627, 628 and 629 of 2009

S. Ramanathan

APPELLANT

Vs

R. Jambulingam and Kokilambal

RESPONDENT

Date of Decision : 18-10-2011

Acts Referred:

Citation : (2011) 10 MAD CK 0079

Hon'ble Judges : M. Jaichandren, J

Bench : Single Bench

Advocate : V.K. Vijayaragavan in all CRPs, for the Appellant; Sethuraman for R3 in CRP. No. 628 of 2009, for the Respondent

Judgement

Honourable Mr. Justice M. Jaichandren

1. Since, the issues involved in all the civil revision petitions are similar in nature, they have been taken up together and a common order is being passed.
2. The above civil revision petitions have been filed challenging the common order of the Principal District Court, Tiruchirappalli, dated 12.1.2008, made in I.A. Nos. 2158 of 2002, 2160 of 2002, 2585 of 2005 and 2586 of 2005, in Trust O.P. No. 249 of 1983.
3. It has been stated that the petitioner is the Secretary of Karanthai Tamil Sangam, which is the main beneficiary of T.S. Palaniswamy Pillai Trust. It had been further stated that, the Principal District Court, Tiruchirappalli, had permitted the sale of the properties of the Trust and to deposit the sale proceeds in a Bank. The Scheme Court had further directed that the bank, in which the sale proceeds had been deposited, shall send the accrued interest to the account of T.S. Palaniswamy Pillai Trust in the Indian Bank, Thennur branch and the Income from the Trust properties must be used for the purposes mentioned in the trust deed. While so, the petitioner, who is said to be the Secretary of the Karanthai Tamil Sangam, had filed an interlocutory application in I.A. No. 2158 of 2002, praying for an order of injunction to restrain the third respondent Indian

Bank, Thennur branch, from crediting the amount in the savings bank account, standing in the name of T.S. Palanisamy Pillai Trust, and I.A. No. 2160 of 2002, praying to direct the other banks not to send the accrued interest to the account of Palanisamy Pillai trust in the Indian Bank, Thennur Branch, till the disposal of the said application. The petitioner had also filed an interlocutory application in I.A. No. 2585 of 2005, praying that the scheme Court may sanction a sum of Rs. 11,06,094/- for the purchase of computers and accessories and I.A. No. 2586 of 2005, praying for an order for the sanctioning of the amount of Rs. 9,94,582/- for the purpose of purchase of tools for the Industrial Training Institute.

4. The Principal District Judge, Thiruchirapalli, had passed the order, dated 12.1.2008, made in I.A. Nos. 2158 of 2002, 2160 of 2002, 2585 of 2005 and 2586 of 2005, in Trust O.P. No. 249 of 1983, stating that all the above mentioned interlocutory applications were unnecessary, as an appeal is pending before this Court. Accordingly, the interlocutory applications had been dismissed stating that the petitioner would be at liberty to file the necessary applications before the High Court, in case of urgency and that such applications could also be filed before the scheme Court, after the disposal of the appeal pending on the file of the High Court.

5. The Learned Counsel appearing on behalf of the petitioner had submitted that there is no appeal pending on the file of this Court. Only two Civil Revision Petitions, in C.R.P. No. 362 of 2005 and C.R.P. No. 1098 of 2005, are pending on the file of this Court relating to the order passed by the scheme Court, on 31.1.2005 in I.A. No. 2159 of 2002. There is no order passed by this Court restraining the Principal District Court, Thiruchirapalli, from passing appropriate orders in the interlocutory applications, in I.A. Nos. 2158 of 2002, 2160 of 2002, 2585 of 2005 and 2586 of 2005, in Trust O.P. No. 249 of 1983, filed by the petitioner before the said Court, on merits.

6. Even though the third respondent in C.R.P. (MD) No. 628 of 2009, has been represented, there is no appearance on behalf of the other respondents, in spite of the court notices having been served on them and their names having been printed in the cause list.

7. In view of the averments made in the civil revision petitions and in view of the submissions made by the Learned Counsel appearing on behalf of the petitioner, the order of the Principal District Judge, Thiruchirapalli, dated 12.1.2008, made in I.A. Nos. 2158 of 2002, 2160 of 2002, 2585 of 2005 and 2586 of 2005, in Trust O.P. No. 249 of 1983, is set aside and the matter is remanded back to the Principal District Court, Thiruchirapalli, to consider the said applications, on merits and in accordance with law and pass appropriate orders thereon, after giving an opportunity of hearing to all the parties concerned, as expeditiously as possible.

Accordingly, the civil revision petitions are disposed of. No costs. Connected M.P. (MD) No. 1 of 2009 is closed.