

(1902) 08 MAD CK 0011
In the Madras High Court

Subramania Iyer		APPELLANT
	Vs	
Doraisami Tevar and Others		RESPONDENT

Date of Decision : 06-08-1902

Acts Referred:

Citation : (1903) ILR (Mad) 368 : (1903) 13 MLJ 22

Judgement

1. This suit clearly falls under Article 18 of the second schedule to Act IX of 1887 being a suit relating to a trust. The plaintiff was appointed by the author of the trust and not by the trustees as editor, and relying upon that appointment he claims that the defendants as trustees should carry out the direction in the instrument of trust and pay him his salary as therein provided until his resignation. If the plaintiff, therefore, has any cause of action, it is to enforce the carrying out of one of the directions in the instrument of trust, i.e., to enforce the performance of the trust in so far as it relates to the plaintiff. In this view the plaint should have been returned to be presented to the proper court, and it is accordingly now ordered to be returned. The revision petition is otherwise dismissed but without costs.