

08-12-2025

**COMMON ORDERS ON I.A. No.II AND III FILED UNDER
ORDER XI Rule 14 OF CPC AND ORDER XI Rule 1 of CPC**

Defendant No. 2 has filed interim applications seeking directions to Plaintiff No. 2 to produce documents for discovery and answer the interrogatories mentioned in the application.

2. In the affidavits filed in support of the applications, Defendant No. 2 states that the plaintiff trust was constituted by her mother as per the original trust deed dated 23-06-1990. Plaintiff No. 2 is her former husband, from whom she obtained a divorce in 2008 through a formal court decree. Plaintiff No. 2 claims that he was inducted as a life trustee and further asserts that Defendant No. 2 and her brother have resigned from the trust. Defendant No. 2 contends that Plaintiff No. 2, being a family member, has been attempting to forge and fabricate documents to show that they resigned, whereas in reality none of them have resigned. Plaintiff No. 2 was removed from the trust by a resolution dated 19-10-2025, and pursuant thereto, a supplementary trust deed dated 23-10-2025 was executed.

3. She further states that the resolutions allegedly removing Defendant Nos. 2, 4, and 5 from the trust are crucial

to determine whether they were actually removed or whether the documents were manufactured by Plaintiff No. 2. Defendant No. 5 has never issued any letter of resignation to the trust to her knowledge, and the purported resignation letters of all trustees are therefore important. Hence, the list of documents and interrogatories sought are necessary. Accordingly, Defendant No. 2 prays for a direction to Plaintiff No. 2 to produce the documents and answer the interrogatories.

4. In response, Plaintiff No. 2 has filed objections, contending that Defendant No. 2 is not the managing trustee of Plaintiff No. 1 trust and has illegally used the trust seal and signed the affidavit. It is further contended that the interrogatories and documents sought through the annexures are not necessary for adjudication of the suit on merits. Plaintiff No. 2 therefore prays that the application be rejected.

5. I have heard the arguments of plaintiff and defendant NO.2 side and perused material available on record.

6. The Defendant No.2 seeking to issue a direction to the plaintiff to produce the following documents;

1. Minutes Books and Resolution Registers; complete extracts for meetings where trustee appointments/'cessations were considered; include attendance sheets and quorum notes.

2. Resolutions of appointment/removal/acceptance of resignation for each trustee change, with notices/agenda/dispatch proof.
3. Resignation Letters originals or certified copies for all trustees who resigned, with acceptance notes.
4. Trust Deed and all Amendments certified copies with registration endorsement.
5. Statutory filings/acknowledgments notifying trustee changes to Registrar/Charity/Societies/Endowments/IGR and certified copies thereof.
6. Custodian's Search Certificate; detailing repositories searched (Physical/digital) dates, page ranges, persons conducting search and results.
7. Bank mandate/signatory change packets tied to each trustee change.

7. The following are the interrogatories sought by the defendant No.2 to plaintiff No.2.

1. Provide the complete roster of trustees from inception till date, with capacity (Founder/Life/Additional/Managing), date and mode of entry and exit, and present status.

2. Identify the precise clauses of the Trust Deed (and any amendments) that govern appointment, acceptance of resignation and removal of trustees; annex certified extracts.
3. For each trustee appointment, state the resolution date/number, notice of meeting, quorum, attendees, presiding person, and annex the resolution, minutes, attendance sheets and proof of service of notice.
4. For each trustee cessation (resignation/removal/death/disqualification), state the date, mode, authority competent to accept, and annex acceptance notes and minutes.
5. State and tender public filings made with any Registrar/Charity/Societies/Endowments/IGR office regarding trustee changes; provide dates, offices, diary/receipt numbers and certified copies.
6. State and tender the custodian(s) of Minutes, books, resolution registers, Correspondence files, and statutory return files; provide present location and access details.
7. State whether any ban mandate/signatory changes were passed consequent to trustee changes;

annex bank correspondence and internal approvals.

8. State whether notices of meeting were issued for appointments/removals; provide notice dates, addressees, modes of service and proof of service records.
9. State whether objections/litigations/complaints were raised regarding any appointment/ cessation; provide case numbers, forums and present status.
10. State whether original resignation letter and original resolutions exist; if not explain custody/loss and identify holders of any best-secondary evidence.
11. Confirm capacity/tenure (life/term) of each trustee presently in office and whether any amendments altering composition/tenure were executed; annex copies.
12. State newspaper/public notices (if any) announcing amendments or trustee changes, including full-page cuttings and dates.

8. Defendant No. 2 seeks a direction to Plaintiff No. 2 to produce various trust records, including the minute books and resolution registers relating to trustee appointments and cessations, all resolutions concerning appointment, removal or resignation of trustees with notices and proof of dispatch,

resignation letters, certified copies of the trust deed and all amendments, statutory filings made before authorities regarding trustee changes, a custodian's search certificate, and bank mandate or signatory change records corresponding to trustee changes.

9. Defendant No. 2 also seeks answers to interrogatories requiring Plaintiff No. 2 to disclose the complete roster of trustees from inception, identify trust deed clauses governing appointment and cessation, provide details and documents relating to each trustee's appointment or cessation, furnish particulars of statutory filings, identify custodians of trust records, disclose bank mandate changes, provide details of notices for meetings, specify any objections or litigations concerning trustee changes, clarify the existence or custody of original resignation letters and resolutions, confirm the capacity and tenure of present trustees, and furnish details of any public or newspaper notices issued regarding amendments or trustee changes.

10. Upon careful perusal of the entire record, it is observed that the present suit has been instituted by the plaintiffs seeking, inter alia, a decree of permanent injunction against the defendants. Defendant No. 2 has filed the present application seeking directions to Plaintiff No. 2 to produce several categories of trust records and to compel answers to an extensive set of interrogatories relating to the internal administration of the trust.

11. On examining the registered supplementary deed dated 03-08-2001, it emerges that Defendant No. 2, Smt. Rajalakshmi—the applicant herein—had tendered her resignation from the trust on 14-06-2001, which was accepted pursuant to a resolution dated 30-06-2001. The supplementary deed, being a registered document, prima facie establishes that Defendant No. 2 is no longer a trustee of the plaintiff trust. In view of this admitted and recorded resignation, it appears that she has no subsisting status or capacity to seek internal trust documents from Plaintiff No. 2 or to demand answers to interrogatories concerning the trust’s internal governance.

12. Notwithstanding this, Defendant No. 2 asserts that she continues to be the managing trustee of Plaintiff No. 1 trust. If, according to her own claim, she is the managing trustee, then she would necessarily have access to and custody of the very documents she now seeks—such as minutes books, resolution registers, resignation letters, statutory filings, bank mandate changes, and custodian search certificates. She would also be expected to have knowledge of matters covered in the interrogatories, including the complete roster of trustees, the governing clauses of the trust deed, details of trustee appointments and cessations, public filings, notices of meetings, litigations regarding trustee changes, and the existence and custody of original records. This contradiction further weakens the necessity and maintainability of the present application.

13. Most importantly, the scope of the present suit is extremely narrow, being one for a *bare injunction*, where the principal question for determination is limited to identifying which party is in prima facie possession of the suit property. In such a proceeding, this Court is neither required nor empowered to adjudicate upon the legality of trustee appointments or removals, the validity of resolutions, or the internal management of the trust.

14. The interrogatories sought by Defendant No. 2 extend far beyond the issues relevant to the present suit. They pertain to:

- the historical composition and tenure of trustees from inception;
- the specific clauses governing appointment, resignation and removal;
- detailed particulars of resolutions, meetings, notices and quorums;
- statutory filings before regulatory authorities;
- the identity and location of custodians of trust records;
- bank mandate and signatory changes;
- objections or litigations regarding trustee changes; and
- public notices or newspaper publications concerning trust amendments.

15. Such inquiries relate solely to the internal administration and governance of the trust and have no bearing on the limited issue of possession which is to be determined in a suit for bare injunction. These interrogatories, in effect, seek to convert this summary proceeding into a detailed inquiry into trust management—an exercise that is neither contemplated nor permissible at this stage.

16. Consequently, it is clear that the documents sought and the interrogatories framed by Defendant No. 2 are wholly unnecessary for the adjudication of the present dispute. The application, being devoid of merit and beyond the scope of this suit, is liable to be rejected. With these observations, this Court proceeds to pass the following order.

“ O R D E R “

I.A.II and III filed under Order XI Rule 14 of the Code of Civil Procedure and Under Order XI Rule 1 of CPC by the defendant No.2 is hereby dismissed on cost of Rs.2,000/- each.

For objections to I.A.No.I of defendant No.2 finally as last chance by 09-12-2026.

Vishwanath Savadi
Civil Judge and JMFC,
Krishnarajapuram.