

MHRG010014092019



Civil Suit (Trust Suit) No. 02/2019

Yakub Baig Trust, Panvel

V/s

Farid Ahamad Abdul Gani Shaikh

:: ORDER BELOW EXH. 30 ::

Heard both sides. Perused the reply and record. The new chief trustee of the plaintiff trust namely Shri. Mujaffar Mustafa Baig has filed this application for amendment in the title clause of the plaint by adding his name in place of the previous chief trustee namely Alhajh M. Mustafa Yakub Baig. The defendant opposed the application on the ground that the resolution of change of Chief Trustee was passed on 21.11.2022 even though this application is filed on 09.10.2024, no explanation has been given for delay and therefore the application may be rejected.

02. The suit is filed by Yakub Baig Trust, Panvel through its then Trustee Shri. Alhaj M. Mustafa Yakub Baig. As per the contention of the applicant Shri. Alhaj M. Mustafa Yakub Baig died on 10.09.2020 and therefore the remaining trustees have taken the meeting and elected him as a Chief Trustee and therefore his name needs to be added so as to continue with the suit. He has also produced on record the copy of the resolution of the meeting of the managing committee of the trust dt. 21.11.2022.

03. It appears that the said Chief Trustee attended the matter on many dates through present advocate for the plaintiff trust even though he did not apply for adding his name though well aware about the requirement of adding his name for continuation of the suit and when the matter was reached for hearing of Exh. 5 pending from the year 2019, he filed this application at the late stage. But the fact remains that, suit is filed by the trust and for the lapses of trustee, trust should not suffer. In order to represent the trust, addition of the name of the applicant is necessary. The unnecessary delay caused by the applicant can be compensated by awarding cost to be paid by him personally and not from the trust account. Hence, the following order.

:: ORDER ::

1. Application is allowed subject to cost of Rs. 2,000/- (Rs. Two Thousand Only) to be deposited in the account of District Legal Services Authority, Alibag.
2. The cost should be paid within 8 days by the applicant Shri. Mujaffar Mustafa Baig from his own pocket and not from the account of the trust.
3. On depositing the cost his name be added as Chief Trustee in the title clause of the plaint.

Alibag.
Date :- 08.01.2025

(A. S. Rajandekar)
Principal District Judge,
Raigad-Alibag.

CERTIFICATE

I affirm that, the contents of this P.D.F file order are same, word to word, as per the original order.

Name of Stenographer : Smt. S. S. Puro (Grade- I)

Court : Principal District Judge,
Raigad-Alibag.

Date of Order/Judgment : 08.01.2025.

Order/judgment signed by
the Presiding Officer on : 08.01.2025.

Order/judgment uploaded on : 08.01.2025.