

**IN THE COURT OF PRINCIPAL DISTRICT JUDGE AT TIRUVALLUR**

**PRESENT: Tmt.J. JULIET PUSHPA, B.Sc, M.L.,**

Principal District Judge, Tiruvallur

**Friday, the 14<sup>th</sup> day of February, 2025**

**I.A.1/2024 in Trust OP.141/2024**

M/s Eternal Word Trust,  
Registered Charitable Religious Trust  
Represented by its Managing Trustee,  
Vimala Jacob, W/o T. Jacob Chinnadurai

....Petitioner/proposed respondent

/Vs/

M/s Eternal Word Trust  
Represented by its Author  
R. Israel Jabaraj

... Respondent/ Petitioner

This petition coming on for final hearing on 24.01.2025 in the presence of M/s Devadason and Sagar and Nizzar Ahamed,, learned counsels for petitioner / proposed party, and M/s T. Balasubramaniam , B. Uma Maheswari, learned counsel for the respondent, and upon hearing both side, and perusing the material case records and stood over for consideration till this date, this Court delivered following:-

**ORDER**

This petition is filed by petitioners under Order 1 Rule 10(2) of C.P.C. praying to implead petitioner herein as the respondent in the Trust Original Peittion No.1141/2024.

2. **The averments in Petition/ affidavit of the petitioner are as follows:-**

According to the petitioner, she is the Managing Trustee of M/s Eternal Word Trust and objector to the main Trust Original Petition. From the inception of the Trust Eternal Word Trust in 1999, the petitioner represented it before all Government Authorities and the activities of the Trust were carried out as per the Trust deed by the petitioner. In the Trust deed in 1<sup>st</sup> paragraph, it was mentioned that Isreal Jebaraj , the Author of the Trust includes that his heirs, legal representatives, administrators, executors and assigns of the one part . Thus, the author is not the only person, but legal representative of the Trust. Hence, the respondent cannot claim any preferential right over the Trust. He is also shown as one of the Trustee in the Trust deed and the Trust is managed by the entire board of Trustees. The Trust deed also does not disclose the manner in which new Trustees to be appointed and expiry of their term. In 2009, the respondent and his sister with his sister and brother John Premkumar with the intention to deceive the property of the Trust made allegation against the petitioner herein and her family. The petitioner's husband is working along with her for the welfare of the Trust from the very beginning As per the resolution of the Trust dt. 14.01.2008, the petitioner executed the amendment to Trust deed on 08.12.2009. Whereas, the respondent registered an amendment dt. 28.04.2010 thereby removing the petitioner from the post of Managing Trustee which is illegal , and appointed Premkumar as Managing Trustee. The respondent filed OS.14183/2010 before Citi

Cyvil Court for declaration of the amendment dt. 28.04.2010 as valid in law effecting the removal of petitioner herein and declaration that the amendment dt. 08.12.2009 as null and void. The said suit was transferred to Hon'ble High Court, Madras and renumbered as CS.400/2014 and is pending. The alleged removal is not yet decided by the concerned Court. As such, the original petition cannot be filed seeking permission to sell the petition schedule property in the Original petition. The said John Premkumar filed oS.220/2011 before District Munsif Court, against the petitioner herein and other Trustees from trespassing into the suit property. In the said suit, the said Premkumar claimed the properties including the property in the Original petition under his possession. This suit was also transferred to Hon'ble High Court, Madras and renumbered as CS.886/2013 and is pending. The said John Premkumar was never be a Trustee and he is residing in France having French citizenship and his entry into the country is denied by Government of India from 1998 onwards due to his illegal activities. The petitioner herein filed OP.146/2017 before this Court and John Premkumar filed CMP.519/2017 to implead him as a party objector and stated that CS No.205/2012 is pending before Hon'ble High Court, Madras and as such, three suits in OS.14183/2010 before IV Assistant City Civil Court, O.S.381/2011 before Sub Court, Poonamallee and OS.220/2012 before District Munsif court, Ambattur are pending and transferred to the Hon'ble High court, Madras in CS.205/2012. The petition mentioned property is the subject matter in CS.205/2012. Suppressing all the facts, the respondent herein filed the Original petition. The Revenue Divisional Officer, Tiruttani also

initiated proceedings u/s 5(1)(d)(ii)(b) of Tamil Nadu Land Reforms Act in respect of the petition schedule property. The petitioner also filed objections to the notice and sent final notice on 27.01.2017. Even after the termination, the petitioner being a Trustee is continuing all the proceeding with respect to the petitioner Trust. Therefore, the petitioner is a necessary party to the proceedings. Hence, prayed to implead the petitioner herein as respondent in Trust OP.141/2024.

**3. The averments in the counter filed by the respondent in brief :**

The respondent resisted the petition stating that the Trust is a Charitable religious Trust and the petitioner was removed from the Trust and not holding any part even as a member. Only due to her illegal activities she was removed and no connection or communication with the Trust from 2011 through an amendment under Doc.No.624/2010. The petitioner is not holding any post or designation in the Trust . Since the petitioner entered into illegal transaction with outsiders, she was removed from the Trust in the year 2010. The petitioner cannot act beyond the instruction of the author of the Trust. As per the Clause 4(iv) of the Trust Deed, the petitioner shall hold the office for a period of 3 years and at the end of which, she shall retire but eligible for reappointment. The respondent is the author of the Trust and Managing Trustee. The respondent formed the Trust on his own interest. As per the clause in Trust deed the Board of Trustees may amend the clauses relating to membership and accordingly by way of resolution. The illegal activity of the petitioner is not known to the other Trustees at the time of execution of Trust deed in the year 1999. The case is pending before Hon'ble High Court, Madras . The

petitioner and her husband and other staff were involved in criminal activity of sexual exploitation as against children , for which Special SC No.32/2019 is pending before Mahalir Neethimandram, Tiruvallur and CC No.62/2019 is pending before Judicial Magistrate, Tiruttani. The petitioner previously filed Trust OP.146/2017 which was dismissed by this Court on 05.03.2021 after appearance of the respondent, it was dismissed for default. The petitioner is no way connected to the Trust from 2011. There is no prima facie case to the present petition to disturb the respondent's claim in the Original petition. The petitioner is not a necessary party to adjudicate any issue in the Trust. In the year 2004, the petitioner had given undertaking to respondent that she will not do against the Trust or Trust properties or Trust members, but not followed such undertaking. The petition has no merits and *locus standi* to file the petition.

4. Now the point for consideration in this petition is

**(i) Whether the petitioner is entitled to the relief as sought for ?**

**(ii) Whether this petition is to be allowed ?**

5. **POINTS:**

Heard both side.

This petition is filed by the petitioner, to implead the petitioner, as respondent in the Original petition.

6. On perusal of records and points put forth by the learned counsel for the petitioner, it is learnt that the main Trust Original petition was filed by the

respondent who is the Author of the petitioner Trust namely, Eternal Word Trust seeking permission to sell the petition schedule property, which is the property of the Trust. The main original petition was filed with respondent "NIL" and after general publication and general Notice as there was no objectors, the original petition was posted for enquiry. While so, the petitioner herein has filed this application claiming that she is the Managing Trustee of the petitioner Trust and has to be necessarily impleaded in the petition as respondent to put forth her objection.

7. The case of the petitioner is that from the inception of the Trust in the year 1999, she was the Managing Trustee and was administering the Trust and its properties. While so, the respondent who is the author of the Trust on 28.04.2010 passed resolution and removed the petitioner from the post of Managing Trustee, which was challenged by her in the original suit filed by respondent OS.14183/2010 before City Civil Court, which was later transferred to Hon'ble High Court, Madras and renumbered as CS.400/2014 and is pending. Further, petitioner herein filed Trust OP.146/2017 before this Court and John Premkumar filed CMP.519/2017 to implead him as a party objector and stated that CS No.205/2012 is pending before Hon'ble High Court, Madras and as such, three suits in OS.14183/2010 before IV Assistant City Civil Court, O.S.381/2011 before Sub Court, Poonamallee and OS.220/2012 before District Munsif court, Ambattur are pending. Thus, pending litigations, the appointment of John Premkumar cannot be recognized as Managing Trustee and the petitioner herein, being the Managing

Trustee and also Board of Trustee is a necessary party to be impleaded.

8. Per contra, the respondent contended that through an amendment under Doc.No.624/2010, the petitioner herein was already removed from the post of Managing Trustee and subsequently by way of Amendment Trust thereby dated 20.06.2011 under Document No.420/2011 , she was removed from the Trusteeship and now she is not connected with the Trust and also criminal cases are also pending against her and her husband as she misused the Trust and also involved in the illegal activities. Further, she has no communication or connection with the Trust from the year 2011.

9. On the face of records, it is seen that the petitioner herein was the former Managing Trustee of the petitioner Trust Eternal Word Trust established in the year 1999 as per the Trust Deed dated 05.04.1999. As per the Trust deed, the petitioner herein was one of the Trustee and Managing Trustee and the respondent was also a Trustee and the Author of the Trust. As per the clause 8 of the Trust deed, which empowers that the Board of Trustee may amend the clauses relating to the membership and the management of the Trustee at a duly convened meeting of the Board of Trustees by a resolution passed by the 2/3<sup>rd</sup> majority of which resolution at least two weeks' notice has been given. Subsequently, amendment was carried out in the Trust deed by way of Document No.3153/2009 dated 08.12.2009 by the petitioner herein , thereby additional Trustees were inducted. Thereafter, by way of Amendment to the Trust deed under Document No.624/2010 dated 28.04.2010 was executed by the Author of the Trust , i.e. the respondent

herein thereby the petitioner herein was removed from the post of “Managing Trustee” and one John Prem Kumar was inducted as Managing Trustee.

10. Against the said removal of the petitioner herein from the post of Managing Trustee and Trustee, various litigations are pending as stated above between the parties, ie. Petitioner and respondent and new Managing Trustee John Premkumar. The respondent herein does not dispute the fact about pendency of litigations with regard to the amendment by way of amendment Trust deed under Document No.624/2010 dated 28.04.2010. This document is also filed by the petitioner along with the Original petition. On perusal of the amendment deed dated 28.04.2010, it is stated as follows :

***“Whereas the Trust Bank Account or Accounts operated by the Managing Trustee namely Mrs. Vimala Jacob, hereinafter will act as a Trustee . So that the Bank Account will be operated by the Author namely, Israel Jabaraj, individual either or by New Managing Trustee namely John Premkumar or either or basis”***

From the above amendment, it is clear that the petitioner herein continued as one of the Trustee in the petitioner Trust Eternal Word Trust , even though she was allegedly removed from the post of “Managing Trustee”. Subsequently, the respondent herein has executed an Amendment Trust dated 20.06.2011 under Document No.420/2011 thereby removing the petitioner herein from the Trusteeship of the petitioner Trust. Therefore, as per the case of the petitioner, as on the date of filing of the Original petition, the petitioner is not a Trustee.

11. Admittedly, OS No.14183/2010 filed by the Respondent and the Trustee Rachel Lazarus as against the petitioner herein / Vimala Jacob for the relief of declaration that the registered Document No.624/2010 dt. 28.04.2010 is valid in law and the amendment executed on 08.12.2009 under Document No.3153/2009 by the petitioner herein as null and void. The said suit was subsequently transferred to the Hon'ble High Court, Madras and the same is pending in CS.400/2014, wherein the petitioner is contesting the relief sought for by the respondent herein. Further, another Original suit in CS No.205/2012 filed by some of the Trustees as against the petitioner and respondent herein is also pending. Further, the petitioner has produced her objection dated 23.02.2017 before the Revenue Divisional Officer, Tiruttani u/s 5((1)(d)(ii)(B) of Tamil Nadu Land Reforms Act in respect of the petition schedule property.

12. Therefore, it appears that the petitioner herein, being the formerly Managing Trustee who was then removed from the Trusteeship has challenged the said removal by way of amendment deed dated Trust Eternal Word Trust, even though she was allegedly removed from the post of Managing Trustee is involved in the transactions of the property of the Trust, the above said litigations filed by the respondent as against the petitioner with regard to the removal of Trusteeship is pending before Hon'ble High Court, Madras in CS.400/2014. Therefore, the petitioner herein has every right to put forth her objection in respect of the administration of the properties belonging to the Trust in view of the pending litigation between the parties. Even though the respondent herein contends that she

has no communication with the Trust since 2011 and also she was removed as Trustee, it is not the case of the respondent whether the amendment to the Trust deed dated 28.04.2010 and Document No.420/2011 were made absolute. But, the said amendment and removal of the petitioner herein from the post of Managing Trustee and Trustee was also challenged and pending including the litigation before the Hon'ble High Court, Madras.

13. On perusal of records it is seen that the petitioner has already filed Trust O.P.No. 146/2017 before this Court seeking permission to sell the property of the Trust , which was dismissed for default on 05.03.2021. The respondent has not denied that before executing the amendment to Trust deed which is now in dispute, the petitioner herein was the Managing Trustee and also a Trustee. Even assuming that the petitioner herein is not a Trustee as on date, the petitioner, being the former Managing Trustee and also as a Trustee is a necessary party to be impleaded for proper adjudication of the “real controversy” between the parties on record. Even as per words and expression of section 92 of C.P.C. any two or more persons, who have interest in the object of Trust can sue, provided the Court has given permission to sue. While so, the petitioner being the Managing Trustee and a Trustee having interest and dispute over the alleged removal of the Trusteeship of the petitioner is a necessary party to put forth her objections if any to the Original petition.

14. Therefore, in the above circumstances, this Court considers that since the petitioner herein, even as per the case of the petitioner being the Former Managing Trustee and Trustee of the petitioner Trust and also as an objector, is a necessary party to be impleaded for proper adjudication. The pendency of criminal cases as against the petitioner cannot be a ground to deny the right of the petitioner, who is an interested party when litigation between the petitioner and respondent are pending is a proper party to the Original petition to record and consider the objection of the petitioner. Moreover, the criminal proceedings are also still pending and not concluded.

15. On perusal of records and points put forth by both counsels, it is learnt that the real dispute between the petitioner and respondent is with regard to the amendment in the Trust deed for which various litigations and disputes are pending before various forums as on date. Therefore, for proper adjudication in the Original petition, impleading the petitioner as respondent is necessary. All the other grounds raised by the respondent in the Counter as to whether the petitioner has right to object the alienation of the Trust property is the subject matter to be considered at the time of trial of the Original petition.

16. Therefore, this Court considers that as person having interests and being beneficiary of the Trust as formerly Managing Trustee and Trustee of the petitioner Trust, who challenges her removal from the Trusteeship which are all still pending, is a necessary party to be impleaded in the Original Petition for proper adjudication. No prejudice would be caused to the respondent as they will

have ample opportunity to disprove the case of the petitioner in the Original petition with respect to the right and interest of the respondent on the subject matter, especially the disposal of Trust property.

17. Therefore, in order to provide an opportunity to the petitioner to prove her case, to avoid multiplicity of proceedings and for proper adjudication of the Original Probation Petition, and also considering other facts and circumstances, this petition deserves to be allowed.

**In the result, this petition is allowed and the petitioner is impleaded as respondent in the Original Petition. No costs.**

Dictated to the Steno-Typist, transcribed by him, corrected and pronounced by me in the Open Court, on this the 14<sup>th</sup> day of February, 2025

**PRINCIPAL DISTRICT JUDGE  
TIRUVALLUR**

**List of Witnesses and exhibits on the side of  
Petitioners and Respondents: NIL**

**PRINCIPAL DISTRICT JUDGE  
TIRUVALLUR**