

0#1  
IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL Nos.9874-9875 OF 2016  
(Arising out of S.L.P. (Civil) Nos. 27186-27187 OF 2010 )  
P.RAMAKRISHNAN APPELLANT(S)

VERSUS

M.BALAKRISHNAN & ORS. RESPONDENT(S)  
WITH  
CIVIL APPEAL No.9876 OF 2016  
(Arising out of S.L.P. (Civil) No. 19388 OF 2012 )

O R D E R

1. Leave granted.  
2. These Civil Appeals are directed against the order(s) passed by the High Court in A.S. Nos.235 & 236 of 1994.  
3. We have heard learned counsel for the parties.  
4. A perusal of the impugned judgment and order reveals that the High Court had proceeded to adjudicate the issues before it by treating the trust involved to be a private trust and had thus referred to the various provisions under Indian Trusts Act, 1882.  
5. After hearing learned counsel for the parties and on a consideration of the facts and circumstances of the case, along with the trust deed annexed as annexure P1 with the Civil Appeal, we are of the view that the trust is indeed a public trust and therefore the provisions of the Indian Trusts Act, 1882 would not be attracted in deciding the issues involved.

2

6. In this view of the matter, the impugned judgment and order cannot be sustained. Accordingly, the appeals are allowed and the impugned order of the High Court is set-aside. We thus remand the matter to the High Court for a fresh adjudication without expressing any opinion on the merits of the case and request the High Court to dispose of the same at the earliest preferably within a period of six months from the date of the remand.  
7. The order dated 27.9.2011 passed by this Court in I.A. Nos.7 & 8 of 2011 granting status quo would continue to operate till the matter is finally decided by the High Court. Further in terms of the order dated 04.7.2012 passed in SLP(C) No.19388 of 2012, the petitioner therein would continue to deposit sum of Rs.10,000/- per month for the use and occupation of the premises involved. In case, as submitted before us, any repair work etc. for the maintenance of the premises is warranted, liberty is hereby granted to the parties to apply before the High Court for an appropriate order.

8. Pending applications, if any, stand disposed of.

.....J.  
[PINAKI CHANDRA GHOSE]

.....J.  
[AMITAVA ROY]

NEW DELHI,  
SEPTEMBER 27, 2016

3

ITEM NO.14 COURT NO.8 SECTION XII  
S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) Nos.27186-27187/2010  
(Arising out of impugned final judgment and order dated 19/04/2010  
in AS No. 235/1994 19/04/2010 in AS No. 236/1994 passed by the High  
Court Of Madras)

P.RAMAKRISHNAN Petitioner(s)

VERSUS

M.BALAKRISHNAN & ORS. Respondent(s)  
(With interim relief and office report)

(for final disposal)

WITH

SLP(C) No. 19388/2012

(With appln.(s) for c/delay in filing SLP and directions and exemption from filing O.T. and intervention permission to file additional documents and permission to place addl. Documents on record and Office Report)

Date : 27/09/2016 These petitions were called on for hearing today.

CORAM : HON&#39;BLE MR. JUSTICE PINAKI CHANDRA GHOSE

HON&#39;BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr. S. Mahendran,Adv.

For Respondent(s) Dr. Pooja Jha, Adv.

Ms. Nandita Jha, Adv.

Mr. Vishwa Pal Singh,Adv.

Mr. V Prabhakar, Adv.

Mr. P.J. Janani, Adv.

Mr. K. V. Vijayakumar,Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeals are allowed in terms of the signed order.

Pending applications stand disposed of.

(RASHMI DHYANI) (CHANDER BALA)

SR.P.A. COURT MASTER

(Signed order is placed on the file)