



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2026

CORAM

THE HON'BLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

A No. 5312 of 2024

AND

CS NO. 536 OF 2009

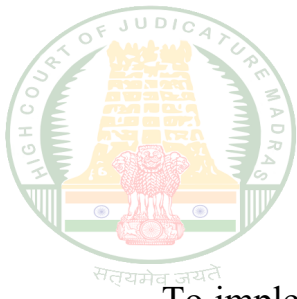
1. First Applicant Deleted
As Per Order Dated 22/09/2025 In A.No.4092
Of 2025 And Time Extended As Per Order
Dated 13.10.2025
2. Thiruneelakandar Trust
Represented by its Managing Trustee R.Mohan,
Having Office at Old No.5, New No.13, Gopal
Street, T.Nagar, Chennai 600 017.

..Applicant(s)

Vs

1. R.VENKATESH and 3 others
S/o.P.Rajagopalan, Kodhai, New No.25, Play
Ground View Road, Nandanam Extension
Chennai.
2. P.Ganapathi
S/o.Late Panchapakeshan, J-80, 1st Main Road,
Anna Nagar East, Chennai 600 102.
3. R.Parthasarathy
Trustee of Thiruneelakandar Trust,
S/o.P.Rajaopalan, Srinivasa Krupa, No.17, 2nd
Cross Street, West C.I.T.Nagar, Chennai 600
035.
4. V.Lakshmikanthamma
Life Time Trustee of Thiruneelakandar Trust,
W/o.Late M.Venugopal Reddiar, No.13, Old
No.5, New No.13, Gopal Street, T.Nagar,
Chennai 600 017.

..Respondent(s)



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To implead the Applicant/Proposed Third Defendant namely, Thiruneelakandar Trust, Represented by its Managing Trustee, R.Mohan, Having Office at Old No.5, New no.13, Gopal Street, T.Nagar, Chennai 600 017 as Third Defendant in the above suit.

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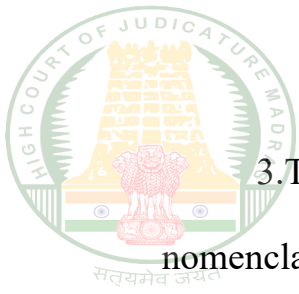
For Applicant(s): Ms.Auxilia Peter

For Respondent(s): Mr. N. Sreenivasalu for R1 and R2
Mr. Niranjana Rajagopalan
for M/s. G.R. Associates for R3

Order

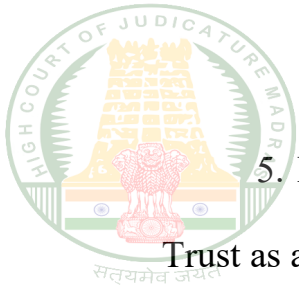
This Application has been filed by the defendant seeking to implead the Thiruneelakandar Trust as a necessary party to the suit. The application is resisted by the plaintiff contending that the suit has not been instituted by the plaintiff in the capacity of trustee of the said Trust and that the trust itself is not the subject matter of the relief claimed in the suit.

2.Heard the learned counsel for the parties and perused the pleadings and the relief sought in the suit.



3. Though the suit has been described as a scheme suit, a mere nomenclature cannot determine the true nature of the proceedings. The substance of the relief sought has to be examined. The grievance of the plaintiff is that the defendants, who are functioning as trustees, are acting in a manner detrimental to the interest of the Trust and, therefore, they are liable to be removed from the trusteeship.

4. Thus, the *lis* in the suit is essentially between the plaintiff and the defendants concerning the continuance of the defendant in the office of trustees. The relief sought is for their removal from the trusteeship. The relief sought by the plaintiff may have a bearing upon the administration or affairs of the trust. It would, by itself, render the Trust a necessary party. A necessary party is one in whose absence no effective and complete adjudication of the issues arising in the suit can be made. In the present case, the questions raised cannot effectively be adjudicated between the existing parties. Since the relief is directed against the defendants in their capacity as trustees seeking their removal from office on the allegation that their conduct is detrimental to the interest of the Trust. Therefore, the Trust is not only a necessary party but also a proper party for determining whether the defendants are liable to be removed from the trusteeship on the grounds pleaded by the plaintiff.



5. In the circumstances, the application to implead the Thiruneelakandar Trust as a defendant is liable to be allowed.

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6. Accordingly, the application is allowed. No costs.

21.08.2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

VSN

Note: The Plaintiff is directed to carry out the necessary amendments in the plaint and submit a clean copy of the plaint within a period of two weeks. List the matters before the Master for recording evidence on 02.09.2026.



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K.GOVINDARAJAN THILAKAVADI J.

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