

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-10-2026

CORAM

THE HON'BLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

A No. 4253 of 2026

and

CS.DR.No.130480 of 2026

1. Olive Foundation
A Public Charitable Trust,
Represented by its Author and Founder Trustee
Mr.P.Isaac Livingstone,
 2. Mrs.I.Joy Leena
Managing Trustee
 3. Mr.D.Paul Devaraj
Trustee
 4. Mr.I.Allan Paul
Trustee
- All Having their registered Office at
No.16, 7th Main Road,
Thiruvalluvar Nagar,
Kodungaiyur, Chennai 600 118.

..Applicant(s)

Vs

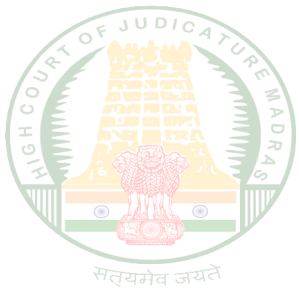
Nil

..Respondent(s)

Prayer: This application filed Under Order XIV Rule 8 of the Original Side Rules and Order III Rule 1 of O.S.Rules read with Clause 12 of Letters Patent, praying to grant leave to the Applicants/Plaintiffs to institute the present suit in respect of the schedule mentioned property.

For Applicant(s):

Mr.A. Ramkumar



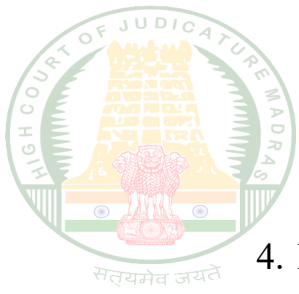
ORDER

WEB COPY

This application has been filed seeking leave of this Court to the Applicants/Plaintiffs to institute the present suit in respect of the schedule mentioned property.

2. The first Applicant, namely, Olive Foundation, is a Public Charitable Trust, established under a Trust Deed dated 08.03.2017. It is submitted that the primary objects of the Trust, as set out in Clause-3 of the Trust Deed, are charitable and educational in nature. It is further submitted that, pursuant to the meeting held on 01.02.2026, the Board unanimously passed a resolution to amend the original Trust Deed by executing Supplementary Deed No.4. By way of the said amendment, the Trust was expressly authorised to borrow funds from banks, financial institutions or any other entities and the Trustees were empowered to offer the assets of the Trust as security for such borrowings.

3. Thereafter, the Trust purchased the suit property on 12.02.2026 for a consideration of Rs.34,65,00,000/-. It is submitted that, in order to finance the said acquisition and to ensure adequate liquidity for its working capital requirements, the Trust availed credit facilities from HDFC Bank Limited. For securing the said credit facilities, an equitable mortgage was created over the newly acquired suit property, namely, “Vijay Sky Line”, as collateral security.

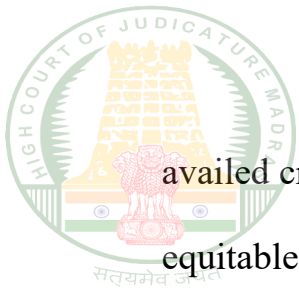


WEB COPY

4. It is further submitted that the applicants have instituted the proposed suit under Section 92 (1)(f) of the Code of Civil Procedure. Though the Schedule mentioned property is situated at Anna Nagar West Extension, outside the territorial limits of the ordinary original Civil jurisdiction of this Court, a material part of the cause of action is stated to have arisen within the jurisdiction of this Court. The registered principal office of the first Applicant Trust, from where the affairs of the Trust are administered, is situated at No.16, 7th Main Road, Thiruvalluvar Nagar, Chennai – 600 118, which falls within the ordinary Original Civil Jurisdiction of this Court. Therefore, the applicants seek leave under Clause 12 of the Letters Patent to institute the prosecute the proposed suit in respect of the schedule mentioned property.

5. Heard the learned counsel appearing for the applicants and perused the averments made in the application and the materials placed on record.

6. As per Clause 12 of the Letters Patent, this Court has jurisdiction to entertain a suit, *inter alia*, where a part of the cause of action has arisen within the ordinary original civil jurisdiction of this Court. In the present case, it is stated that the registered principal office of the first Applicant / Trust, from where its affairs are administered and managed, is situated within the ordinary original civil jurisdiction of this Court. It is further stated that the Trust has



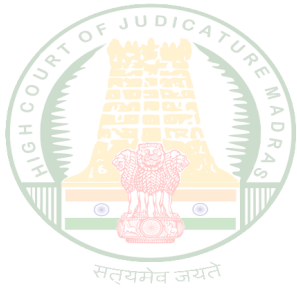
WEB COPY
availed credit facilities for the acquisition of the suit property and has created an equitable mortgage over the said property as security for the said facilities. On a consideration of the averments made in the application and the materials placed on record, this Court is satisfied that a material part of the cause of action has arisen within the jurisdiction of this Court. Hence, the Applicants have made out sufficient grounds for granting leave under Clause 12 of the Letters Patent.

7. Accordingly, this Application is allowed and leave is hereby granted under Clause 12 of the Letters Patent to the Applicants / Plaintiffs to institute and prosecute the proposed suit in respect of the Schedule mentioned property before this Court.

01-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

av



WEB COPY

A No. 4253 of 2



Order QR

K.GOVINDARAJAN THILAKAVADI, J.

av

**A No. 4253 of 2026
and
CS.DR.No.130480 of 2026**

01-10-2026