

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 26th DAY OF OCTOBER 2016

THE HON'BLE MR. JUSTICE M.JAICHANDREN

A.NO.5023 OF 2016

IN

CS..NO.204 of 1940

In the matter of Trust Estate of Mylai
Kandappa Chetty & Arunachala Chetty
Charities

And

In the matter of enhancement of
Descendant/beneficiary's payment of
Maintenance amount.

C.S.No.204 of 1940

1)M.Singaravelu Chetty,
Landlord and Co-Trustee of kandappa,
Chetty Trust and Charities
Residing at Saraswathi Vilas's,
San Thome High Road,
Mylapore, Madras.

2)M.V.Abbu Chetty,
S/o.M.Veerappa Chetty,
New Fisherman Village Settlement,
Near Lloyds Road, Mylapore, Madras.

3)K.Ayyavoo Mudaliar
S/o.K.Angamuthu Mudaliar,
No.2/27, Irusappa Gramani Street,
Krishnampet, Triplicane, Madras.

4)K.P.Kothandarama Chetty
S/o.Ponnusamy Chetty,
Kottivakkam Village,
Near Thiuruvanmyur, Saidapet Taluk,
Chingleput District.

..Plaintiffs

-vs-

1)Munusami Chetty
S/o.Venkatachala Chetty,
Battumodu, Old Rifle Range,
San Thome High Road,
Mylapore, Madras.

2)M.Balaji Chetty
S/o.M.Munuswami,
Assistant Inspector of Fisheries,
Mopaud, Nellore District.

3)M.Ramachandra Chetty
S/o.M.Munuswami,
Battumodu, Old Rifle Range,
San Thome High Road,
Mylapore, Madras. ... Defendants

A.No. 5023 of 2016:-

Miss.Dhanalakshmi
D/o.Late M.S.Satyakumar,
at Door.No.17/2,
Thachi Arunachalam Street,
Mylapore, Chennai-4. ...Applicant

-vs.-

Official Trustee of Tamil Nadu
High Court, Madras. ... Respondent

Application praying that this Hon'ble Court be pleased to pass an order, directing the respondent/official trustee to pay a sum of Rs.1,35,000/- (Rupees one lakh and thirty five thousand only) to the applicant for celebration of Deepavali Festival during the month of October 2016.

This application coming on the day before the court for hearing the court made the following order:

This application has been filed, seeking a direction to the respondent Official Trustee to pay a sum of Rs.1,35,000/-, to the applicant, for the celebration of Deepavali festival, during the month of October, 2016.

2. The applicant had stated that she is one of the descendants of the creator of the Mylai Kandappa Chetty and
<https://hcservices.ecourts.gov.in/hcservices/>

Arunachala Chetty's Trust and Charities, known as M.K.A. Charities. The said Trust is, at present, managed and administered by the Official Trustee, as per the order of this Court, dated 11.3.1977, made in A.No.3783 of 1976. In terms of the Will of the Testator, some of the descendants of the testator's family are to be paid monthly maintenance and that the expenses relating to the happy and unhappy events should be met from the funds of the Estate. The applicant is fully depending on the the monthly maintenance provided by the Official Trustee. Now, the applicant wants to celebrate Deepavali in a simple manner. Hence, the applicant requires a sum of Rs.1,35,000/- for the celebration of Deepavali with the poor local inhabitants, friends and relatives. The applicant was granted a sum of Rs.70,000/-, for celebration of Deepavali, last year, by an order of this Court, dated 6.10.2015, made in A.No.6609 of 2015.

3. The Official Trustee has filed a report, dated 26.10.2016, stating that the Official Trustee had been directed to function as the sole trustee, as per the order of this court, dated 6.3.1980, made in A.No.4886 of 1979, in C.S.No.204 of 1940. The charities being performed by the Official Trustee, from and out of the funds of the Trust, are set out in the report. Further, a sum of Rs.30,000/-, per month, is provided to the applicant, towards the monthly maintenance. The Scheme Decree, dated 25.2.1942, permits the Official Trustee to spend

inauspicious ceremonies, which may take place in the family or families of several members. Further, the intention of the testator was that the income of the trust is to be used only for happy or unhappy ceremonies and that too it is to be spent only for food expenses. The Official Trustee has set out the details of payments made during the previous Deepavali celebrations, as per the orders of this Court. Therefore, the Official Trustee has submitted that the application filed by the applicant is not in conformity with the terms of the Will and the Scheme decree.

4. Heard the learned counsel appearing for the applicant, as well as the learned Official Trustee.

5. The learned counsel appearing on behalf of the applicant has submitted that this Court has granted permission, regularly, to utilize the funds for the purpose of Deepavali celebration, for the past 5 years. Accordingly, he prays that the application may be allowed.

6. The learned Official Trustee reiterated his stand, as stated in the report and submitted that the applicant is entitled to feeding expenses only.

7. In view of the averments made in the application and in view of the earlier order passed by this Court, dated 20.9.2013, and considering the report filed by the Official Trustee, this Court finds it appropriate to grant a sum of Rs.75,000/- to the applicant for celebrating the Deepavali festival. Accordingly,

(Rupees seventy five thousand only) to the applicant, for the celebration of the Deepavali festival, during the month of October, 2016. The applicant shall file the bills, vouchers, etc., relating to the expenses incurred by the applicant, for the celebration of the Deepavali festival, during the month of October, 2016, before the Official Trustee of Tamil Nadu, within a period of four weeks from the date of receipt of a copy of this order. This application is allowed, accordingly.

Sd/-M.J.J

26.10.2016

//Certified to be a true copy//

Dated this the day of 2017

R.s/03.02.2017

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.

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