

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(NPD).No.2359 of 2016

K.V.Kuppuswamy
Hereditary Managing Trustee of
Arunachala Mudaliar Charities at
Kancheepuram, having Office at No.10,
Subburaya Mudaliar Street,
Kanchipuram Town.

... Petitioner

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 11.10.2013 in I.A.No.748 of 2013 in O.S.No.24 of 1963 passed by the Subordinate Judge, Kanchipuram.

For Petitioner : Mr.Om Prakash
for M/s.Ramalingam and Associates

ORDER

Aggrieved over the order passed in I.A.No.748 of 2013 in O.S.No.24 of 1963 passed by the Subordinate Court, Kanchipuram, the Trustee has filed the above Civil Revision Petition.

2.In the Scheme Suit in O.S.No.24 of 1963, the revision petitioner filed an application in I.A.No.748 of 2013 to re-invest the principal sum of Rs.14,91,500/- in State Bank of India, Annai Indira Gandhi Salai Branch,

Kanchipuram in the Fixed Deposit in the name of Arunachala Mudaliar Charities Kanchipuram for a period of three years and renewable once in three years with a direction to the said Bank to remit the interest in the said deposit in the current account No.10943781088 standing in the name of Arunachala Mudaliar Charities Kanchipuram. The Scheme Court, taking into consideration the case of the petitioner, directed the sum of Rs.14,91,500/- to be deposited in State Bank of India, Mamallan Nagar Branch, Kanchipuram for ten years under re-investment Scheme and also observed that the petitioner is entitled to claim accrued interest every year and get the same through Court.

3.Though the petitioner has sought for a direction to the Bank to remit the interest for the said period in the current account standing in the name of Charities, the Scheme Court has not considered the same. However has stated that the petitioner is entitled to claim accrued interest every year and get the same through Court.

4.Since the Scheme Court has not considered the prayer made by the Charities, I am of the view that the Scheme Court shall decide the matter afresh, taking into consideration the prayer made by the petitioner. In the affidavit filed in support of the petition, the petitioner has also stated the

difficulties faced by the Charities. In these circumstances, the order passed by the Subordinate Court, Kanchipuram in I.A.No.748 of 2013 is set aside and the matter is remitted back to the Subordinate Court, Kanchipuram for fresh consideration. The Subordinate Judge, Kanchipuram is directed to decide the application in I.A.No.748 of 2013 in O.S.No.24 of 1963 afresh, taking into consideration the averments stated in the affidavit filed in support of the application, on merits and in accordance with law, within three weeks from the date of receipt of a copy of this order.

5. With these observations, the Civil Revision Petition is allowed. No costs.

Index : No
Internet : Yes
va

03.08.2016

To

The Subordinate Judge,
Kanchipuram.

M.DURAIWAMY,J.
va

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