

Application No.6379 of 2013 in O.P.No.254 of 2003

M.M. SUNDRESH,J.

The applicant is a public charitable trust has come forward to file this application seeking a direction from this Court to order payment out a sum of Rs.5,13,37,147/-(Rupees five crores thirteen lakhs thirty seven thousand and one hundred and forty seven only) from and out of the funds lying as Fixed Deposits in the Indian Bank, High Court, Extension Counter, to the credit of O.P.No.254 of 2003.

2. The learned counsel appearing for the applicant submits that the amount as sought for in the application is required for the purpose of putting two commercial buildings in the land available, belonging to the Trust at Tiruvannamalai. The income to be augmented from the aforesaid two buildings proposed to be constructed would be again used for the charitable purpose. Similarly, a Community Hall is required to be constructed for the purpose of accommodation at Moolangudi Village.

3. This Court after perusing the documents directed the applicant to depose before the learned Master by marking the document. Accordingly, the Treasurer of the applicant-Trust appeared before the learned Master, examined himself as P.W.1 and marked the following documents:

(i) Ex-A1 - Original Board Resolution dated 07-07-2016 passed by the Board Resolution on 26-06-2016 given by the applicant Trust to P.W.1, for adducing evidence in this application on behalf of the Trust

(ii) Ex-A2 - Original Extract of the Board Resolution dated 03-02-2013 and issued on 07-07-2016

(iii) Ex-A3 - Certified copy of Sale deed dated 16-02-1901 registered as Doc.No.232 of 1901 at SRO, Tiruvannamalai

M.M. SUNDRESH, J.

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(iv) Ex-A4 - Original Estimate for construction for the Community Hall at Tiruvannamalai

(v) Ex-A5 - Original Estimate for Construction of Commercial Building at Car Street at Tiruvannamalai

(vi) Ex-A6 - Original Estimate for Construction of Community Hall at Moolangudi dated 11-11-2015

(vii) Ex-A7 - Office Copy of Application submitted to local body of Moolangudi dated 07-02-2016 with plan.

The above said documents would indicate the necessity for the release of money. This Court is satisfied that the amount as sought for, is required to be released, subject to the condition that the applicant will have to file an affidavit before this Court on the file of O.P.No.254 of 2003 on the amount spent on various heads for the above said purpose.

4. Accordingly, the application stands allowed as prayed for subject to the directions as aforesaid. The affidavit of accounts will have to be filed within a period of six weeks, thereafter.

09-11-2016

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