

A.No. 3263 of 2019
in
O.P.No. 372 of 2014

R.SUBRAMANIAN, J.

The petitioner as a trustee of M/s.Erusappa Mudaliar Endowment Trust was permitted to sell one of its properties in order to enable it to renovate the Item No.2 schedule property belonging to the Trust, which is situate at Thirukazhukundram.

2. The property was sold for a total consideration of Rs.79,21,800/- and the sale proceeds deposited in this Court pursuant to an application made by the Trust. This Court by order dated 22.01.2018 permitted the Trust to withdraw a sum of Rs.15,00,000/- towards renovation, in and by the said order, this Court had also permitted the Trust to move an application as and when funds are required for the renovation work. Subsequently, on 04.12.2018, this Court had permitted payment out of a further sum of Rs.18,48,000/- for the purpose of renovation.

3. The Trust has come forward with this application stating that during the course of renovation work, it was found that the foundation of the building was very weak and any construction on the said foundation will not be stable. Hence, the Trust has proposed to put up a new construction and an estimate by the Chartered Engineer has also been filed. The photographs filed along with

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this petition shows that the building that was in existence had become unsafe. Hence, the same has been demolished. As per the estimate submitted by the Chartered Engineer, the total cost of the new construction works out to Rs.38,50,000/-. The Trust has already been permitted to withdraw a sum of Rs.18,48,000/- towards renovation of the rear building, which is now sought to be demolished and to be constructed as per the estimate. The Trust requires a further sum of Rs.23,50,000/-.

4. Considering the averments made in the affidavit, Engineer's report as well as the photographs that had been produced, I am satisfied that the request of the Trust is genuine. Hence, this application is allowed, directing payment out of Rs.23,50,000/- to the applicant/Trustee. The cheque shall be issued by 15.05.2019

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25.04.2019

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