

Application No.5731 of 2019
in
C.S.No.363 of 1912

S.MANIKUMAR, J.

Instant application is filed by Mr.N.Thiyagarajan, seeking enhancement of monthly family maintenance allowance, from Rs.27,000/- per month to Rs.1,00,000/- per month, with effect from 01.04.2019 onwards.

2. Learned Official Trustee, has filed a Report dated 03.10.2019, which is extracted hereunder:

"The Official Trustee humbly submits that Paras 1 to 5, 7, 8 and 9 of the petitioner's affidavit is on matter of records.

2. The Official Trustee further submits that the petitioner has to prove all other facts narrated in his affidavit. In Para 6, he had stated that he has chronic ailments and his wife also BP and Diabetic patient but there is no supporting medical documents to prove it.

3. The Official Trustee further submits that the applicant might have getting pension

as he is a retired Government Servant and present application by the applicant for steep hike from Rs.27,000/- per month to Rs.1,00,000/- per month is very much on the higher side since the last enhancement was ordered by this Hon'ble Court only on 12.04.2018 in A.No.4850 of 2017 enhancing the maintenance amount to Rs. 27,000/- from Rs.22,000/- per month. The Official Trustee further submits that there is no alarming hike in the prices of commodities within a short span of one year plus.

4. The Official Trustee humbly submits that as per the records in the Office of the Administrator General and Official Trustee of Tamil Nadu the funds position of the trust as on 03.10.2019 is as follows:-

Total Fixed Deposit Receipts	Rs.1,67,68,135/-
LESS: Corpus	Rs. 27,91,595/-

	Rs.1,39,76,540/-
ADD: Cash on Hand	Rs. 7,05,387/-

<u>Funds position as on 03.10.2019</u>	Rs.1,46,81,927/-
(Rupees One crore forty six lakhs eighty one thousand nine hundred and twenty seven only)	-----

5. The Official Trustee therefore submits and prays that this Hon'ble Court

may be pleased to pass suitable orders as this Hon'ble Court may deem fit and proper in the interest of the trust and in the circumstances of the case and thus render justice."

3. Mr.A.Ilaya Perumal, learned counsel for the applicant, has submitted that the applicant is a hereditary trustee of the Estate of Nagai Visalakshmi Ammal. As per the scheme decree, hereditary trustees and their descendants, are entitled for monthly family maintenance allowance.

4. Learned counsel for applicant has further submitted that on an application made in Application No.4850 of 2017, this Court vide order dated 12.04.2018, enhanced the monthly family maintenance allowance, of the applicant, from Rs.22,000/- to Rs.27,000/-. Now, as cost of living has increased and to meet the medical expenses as well as other expenses for maintenance of the family, instant application is filed, seeing enhancement of monthly family maintenance allowance, from Rs.27,000/- to Rs.1,00,000/-.

5. Learned Administrative General and Official Trustee of Tamil Nadu, submitted that only on 12.04.2018, the monthly family maintenance allowance amount has been enhanced from Rs.22,000/- to Rs.27,000/-. He further submitted that 10% increase can be considered and the monthly family maintenance allowance may be increased from Rs.27,000/- to Rs.30,000/-i.e. Rs.3,000/- increase can be made.

6. At this juncture, learned counsel appearing for the applicant prayed that Rs.5,000/- may be increased i.e. monthly family maintenance allowance be enhancement from Rs.27,000/- to Rs.32,000/- and to that effect, he has made the following endorsement in the case bundle:

"Without prejudice to our right for seeking future enhancement of monthly maintenance, we hereby restricted our claim from Rs.27,000/- to Rs.32,000/- instead of Rs.27,000/- to Rs.1,00,000/-."

The said endorsement made by the learned counsel for the applicant is taken on record.

7. The learned Official Trustee submitted that considering the funds position of the Estate of Nagai Visalakshi Ammal, request of the applicant can be considered.

8. Considering the above submissions made by learned counsel for applicant and the learned Official Trustee, as well as considering the funds position, the learned Official Trustee is directed to enhance the monthly family maintenance allowance to the applicant from Rs.27,000/- to Rs.32,000/- (Rupees thirty two thousand only) with effect from 01.04.2019.

9. In the result, the application stands ordered on the above terms.

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03.10.2019

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