

Application No.6374 of 2019
in C.S.No.314 of 1930

S.MANIKUMAR, J.

Instant application is filed by Mr.I.S.Ibrahim, seeking to enhance Zulkaida Allowance from Rs.8,000/- to Rs.40,000/- per annum.

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

"1. The Official Trustee humbly submits that the facts found in paras 1 to 5 of the Applicant's affidavit is matter of records.

2. 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:-

<i>Total Fixed Deposit Receipts</i>	<i>Rs.47,02,921.00</i>
<i>Less: Corpus</i>	<i>Rs. 1,47,000.00</i>
	<i>-----</i>
	<i>Rs.45,55,921.00</i>
<i>Cash balance as on 03.10.19</i>	<i>Rs. 7,496.00</i>
	<i>-----</i>
<i>Fund position as on 03.10.19</i>	<i>Rs.45,48,425.00</i>
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(Rupees Forty Five Lakh Forty Eight Thousand Four Hundred and Twenty Five Only)

3. The Official Trustee further submits that the rental and lease income are the only sources of income to this trust. The Official Trustee of Tamil Nadu further submits that the Will of the Testator is only to utilize the funds for the performance of Zulkaida and the quantum sought in the affidavit is too high and the previous enhancement from Rs.5,000/- to Rs.8,000/- was done on last year only. The present request of the applicant seeking Rs. 40,000/-(Rupees Forty Thousand Only) from Rs.8,000/- (Rupees Eight Thousand Only) is very much on the higher side.

4. In these circumstances, the Official Trustee of Tamil Nadu prays that this Court may be pleased to dismiss the application in the interest of the trust and thus render justice...."

3. Mr.A.Ilaya Perumal, learned counsel for the applicant, submitted that the applicant is a turn trustee of the Trust Estate of M.K.Periyathambi Maracayar. As per the Settlement Deed No.1671 of 1919 dated 25.04.1919, on the 12th day of the month of Zulkaida, life of Abdul Hasan Abyush Shadulia Avargal

shall be read and food should be distributed, every year, without fail and not less than Rupees two hundred should be spent therefor.

4. Learned counsel for applicant, further submitted that as of now, a sum of Rs.8,000/- is paid towards Zulkaida allowance and due to heavy escalation in prices of all essential commodities and expenditure like labour charges etc., it will be difficult to perform Zulkaida ceremony with the amount of Rs.8,000/- and therefore, it will be just and necessary to enhance the Zulkaida allowance from Rs.8,000/- to Rs.40,000/- per annum.

5. Learned Administrative General and Official Trustee of Tamil Nadu, submitted that rental and lease income are the only sources of income to this trust and that the Will of the Testator is only to utilize the funds for the performance of Zulkaida and the quantum sought, in the affidavit is too high and the previous enhancement from Rs.5,000/- to Rs.8,000/- was done last year only. Request of the applicant seeking enhancement to Rs. 40000/- from Rs.8,000/-, is very much on the higher side and

therefore, in the interest of the Trust, prayed for dismissal of the application.

6. At this juncture, Mr.A.Ilaya Perumal, learned counsel appearing for the applicant prayed that considering the prevailing economic scenario, Rs.3,000/- may be increased i.e. enhancement from Rs.8,000/- to Rs.11,000/- instead of Rs.40,000/- and to that effect, he has made the following endorsement in the case bundle:

"Without prejudice to future enhancement, we hereby restricted the claim to Rs.11,000/- i.e. from Rs.8,000/- to Rs.11,000/- instead of Rs.8,000/- to Rs.40,000/-."

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

7. Learned Official Trustee submitted that considering the funds position of the Estate of M.K.Periyathambi Maracayar, present request of the applicant can be considered.

8. Considering the above submissions made by learned counsel for applicant and the learned Official Trustee, considering the funds position and economic scenario, Zulkaida allowance payable to the applicant by the learned Official Trustee is enhanced from Rs.8,000/- to Rs.11,000/- per annum, with effect from the year 2019. The said amount of Rs.11,000/- (Rupee eleven thousand only) shall be paid on or before the 1st day of Zulkaida month every year. The applicant is directed to produce necessary vouchers and receipts of expenditure incurred for the above purpose, to the learned Official Trustee.

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

सत्यमेव जयते

03.10.2019

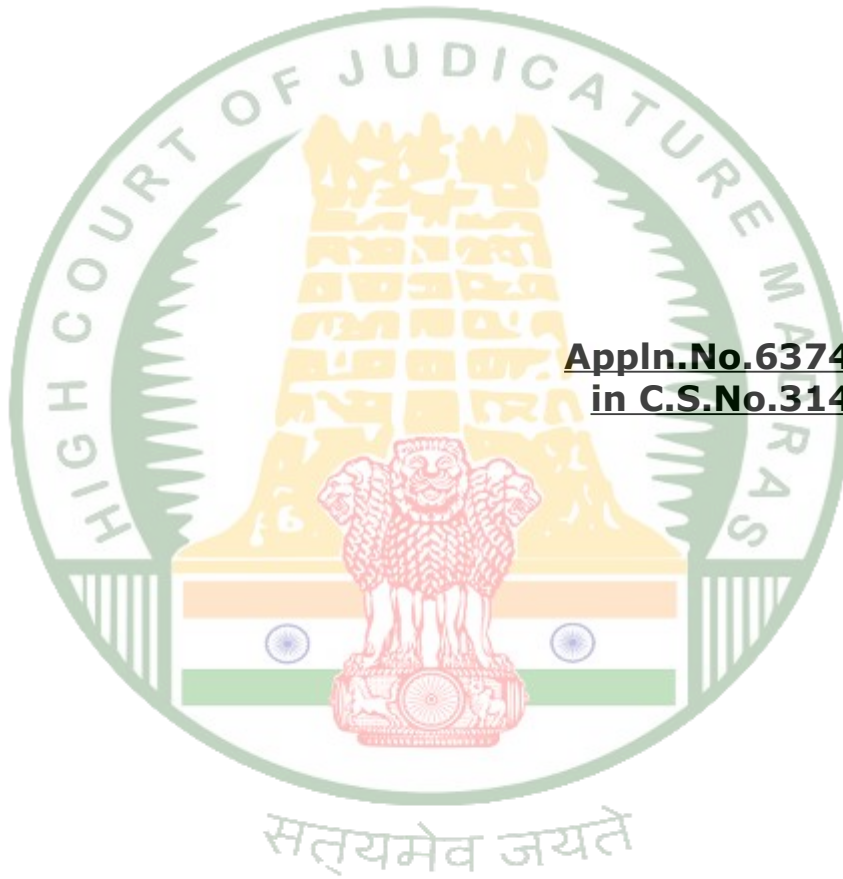
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