

Application Nos.6605 & 6606 of 2019
in
C.S.No.90 of 1963

S.MANIKUMAR, J.

Application No.6605 of 2019 is filed by the learned Official Trustee of Tamil Nadu to permit him to utilize the surplus funds of "Rajah Sir Ramasamy Mudaliar Charities Trust" for purchasing a Ventilator and a Portable Ventilator.

2. Application No.6606 of 2019 is filed by the learned Official Trustee of Tamil Nadu to donate a ventilator and a Portable Ventilator after purchasing the same to the Government RSRM Lying in Hospital at Royapuram, Chennai-600 013.

3. Learned Official Trustee has submitted that the administration of "The Rajah Sir Ramaswami Mudaliar's Choultry" and its allied Endowments is governed by a decree dated 18.08.1970 of this Court made in C.S.No.90 of 1963 and that the management of the Choultry and its allied charities have been vested with the Official Trustee of Tamil Nadu.

4. Learned Official Trustee has further submitted that the main objectives found in the will are as follows:-

i) To provide accommodation to any traveller who arrives at Madras with no income, relations and friends to host them and,

ii) To provide food daily to 100 destitute persons/poor at the Choultry situated opposite to Central Railway Station, Chennai.

5. Learned Official Trustee has further submitted that one Dr. K.Kalaivani, working as a Superintendent in the Government RSRM Lying in Hospital, has sent a letter on 09.08.2019, requesting the learned Official Trustee to donate a New ICU Ventilator and a Portable Ventilator which will be for the benefit of needy patients and that she has also enclosed the specifications of the Ventilators.

6. Learned Official Trustee has further submitted that the Government Raja Sir Ramasamy Mudaliyar Lying-in Hospital is located in North Chennai was founded by respected Raja Sir Ramasamy Mudaliyar in the year 1880. Since then, the hospital is

providing a high standard obstetrics and Gynaecology service to the people both as in-patient (lying-in) and out-patient. In the Government Raja Sir Ramasamy Mudaliyar Lying-in Hospital every year 80,000 patients attended the Out Patient department, around 30,000 patients got treated as in-patients, and more than 11,000 deliveries, 5,000 cesarean section, 10,000 major Gynecology and Laparoscopic surgeries were done to the patients. Further, the hospital is equipped with 6 bedded ICU with 3 ventilators. Every year more than 750 patients are given intensive medical care in this hospital. Hence, supply of one more new ICU ventilator will be very useful for the needy patients.

7. Learned Official Trustee has further submitted that the surplus money in the Trust Estate of Rajah Sir Ramasamy Mudaliar Charities may be utilized for the purpose of sponsoring for the purchase of "Ventilator" and "Portable ventilator" as the object of the Trust Estate of Rajah Sir Ramasamy Mudaliar Charities is to feed the poor. The Official Trustee has further submitted that phrase "Feeding to the poor" mentioned in the Scheme Decree of Rajah Sir Ramasamy Mudaliar Charities may

be expanded to include within its ambit "Sponsoring for the purchase of Ventilator" which will be useful for the needy poor patients, by invoking the "Doctrine of Cypress'.

8. Learned Official Trustee further submitted the Proforma Invoices received from three dealers / suppliers for the perusal of the Court. The rates quoted by dealers / suppliers are as follows:-

Sl. No.	Dealer Name & Address	Material Description	Rate
1	Medisky enterprises No.84-F1, Vasantham Nagar, Kannadapalayam, Tambaram West, Chennai-45.	Ventilator Model: Graphnet TS	Rs. 11,14,400.00 (Including 12% GST)
2	Lotus Medical Systems No.11/17, 3 rd street, Church Colony, Opp. To Bishop College, Puthur, Trichy-17.	Ventilator Model: Medisys (Medivent)	Rs. 10,55,000.00 (Without GST) [Rs.11,81,600/- including GST @ 12%]
3	M.G.Biometric Centre, No.1/133D, Teachers Lane, Silaiman Bustand, Madurai-625201	Drager Ventilator Model: Drager Babylog 8000	Rs. 13,04,800.00 [including GST @ 12%]
4	MM Medical Systems, SAIOKAS Block-5, G-1,	Portable Ventilator	Rs.2,88,960.00 (including 12%

Sl. No.	Dealer Name & Address	Material Description	Rate
	19 th Street, Tansi Nagar, Velacherry, Chennai-42.	Model: Peeupac VR1	GST)
5	SSL Enterprises, No.57A, First Floor, Govindasamy Nagar, 3 rd Street, Madipakkam, Chennai-91.	Portable Ventilator Model: Peeupac VR1	Rs.3,08,000.00 (Including 12% GST)
6	Shan Tech Healthn Care, No.31, Sriram Nagar, Uthangudi, Madurai-107.	Portable Ventilator Model: Peeupac VR1	Rs. 3,30,400.00 (Including 12% GST)

9. Learned Official Trustee has further submitted that the lowest quotation received from the dealers may be accepted to purchase the Ventilator and a Portable Ventilator. Learned Official Trustee has further submitted that Dr.Anitha, RMO of the RSRM Lying-in Hospital orally suggested that the Model Graphnet TS Ventilator from Medisky enterprises and Model PEEUPAC VR1 Portable Ventilator from MM Medical System are suitable for the patients.

10. Learned Official Trustee has further submitted 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 04.09.2019 is as follows:

Total Fixed Deposit Receipts as on 04.09.2019	Rs.4,12,17,052.00
LESS: Corpus amount	(-) Rs. 37,186.00

	Rs. 4,11,79,866.00
ADD: Cash balance as on 04.09.2019	(+) Rs. 4,13,643.51

Funds Position as on 04.09.2019	Rs. 4,15,93,509.51

11. Learned Official Trustee has further submitted that considering the funds position, permission can be accorded for purchasing "Ventilator" and "Portable ventilator" from the surplus funds of the Trust Estate of Raja Sir Ramasamy Mudaliar.

12. Heard the learned Administrative General and Official Trustee of Tamil Nadu assisted by learned Deputy Administrative General and Official Trustee of Tamil Nadu and perused the report dated 05.09.2019 as well as the materials available on record.

13. Considering the submissions of the learned Official Trustee and the Report submitted by him dated 05.09.2018 and on the facts and circumstances of the case, learned Official

Trustee is permitted to do the following:

(i) to utilize the surplus funds of "Rajah Sir Ramasamy Mudaliar Charities Trust" for purchasing a Ventilator viz., Graphnet TS Model from M/s.Medisky Enterprises, Chennai - 45 at the rate not exceeding Rs.11,14,400/- and a Portable Ventilator viz., Peeupac VR1 Model from M/s.MM Medical Systems, Chennai - 42 at the rate not exceeding Rs.2,88,960/-.

(ii) to donate the ventilator and the Portable Ventilator after purchasing the same from the above said Vendors to the Government RSRM Lying in Hospital at Royapuram, Chennai-13 and maintain proper accounts and record.

14. In the result, instant applications are allowed, as indicated above.

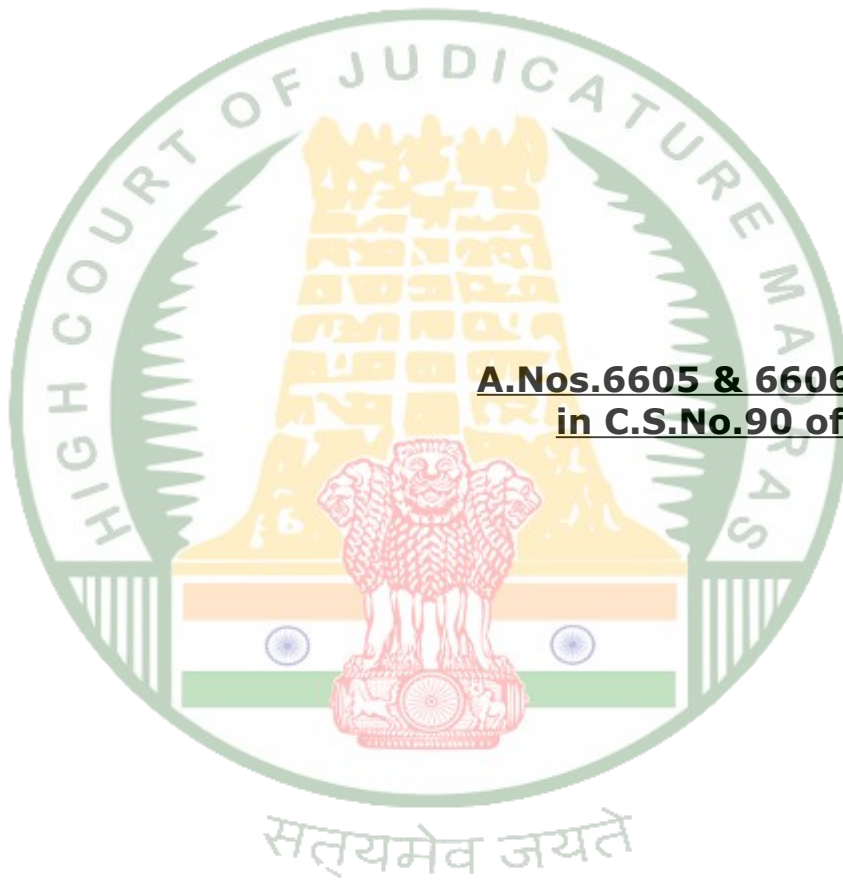
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