

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 06.11.2020

Coram:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Application No.2164 of 2020 in C.S.No.204 of 1940

1. M.Singaravelu Chetty,
Landlord and Co-Trustee of Kandappa
Chetty Trust and Charities,
Residing at 'Saraswathi Vilas',
San Thome High Road,
Mylapore, Madras.
 2. M.V.Abbu Chetty, S/o M.Veerappa Chetty
 3. K.Ayyavoo Mudaliar, S/o K.Angamuthu Mudaliar
 4. K.P.Kothandarama Chetty, S/o Ponnusamy Chetty
- .. Plaintiffs in C.S.No.204 of 1940

Vs.

1. Munusami Chetty,
S/o Venkatachala Chetty
 2. M.Balaji Chetty, S/o M.Munuswami
 3. M.Ramachandra Chetty, S/o M.Munuswami
- .. Defendants in C.S.No.204 of 1940

1. Dr.Anitha, D/o Late M.S.Satyakumar
2. Mrs.S.Sujatha, W/o Kishore

.. Applicants in A.No.2164 of 2020

Vs.

Official Trustee of Tamil Nadu, High Court, Madras.

.. Respondent in A.No.2164 of 2020

Application No.2164 of 2020 in C.S.No.204 of 1940 filed - Judge's Summons - under Order XIV, Rule 8 of the Original Side (O.S) Rules of this Court, and Read with Section 151 of the Civil Procedure Code (CPC), praying to pass an order, directing the respondent/Official Trustee to pay a sum of Rs.2,50,000/- to the applicants, for celebration of Deepavali Festival during the month of November, 2020.

For applicants : Mr.A.Ilaya Perumal

For respondent: Mr.P.Murugan,

Administrator General and Official Trustee (A.G. & O.T).

ORDER

This application has been filed to direct the respondent/Official Trustee to pay a sum of Rs.2,50,000/- to the applicants, for celebration of Deepavali Festival during the month of November, 2020.

2. The first applicant is one of the descendants of the creator of the Trust, known as Mylai Kandappa Chetty and Arunachala Chetty's Trust and Charities, popularly known as M.K.A.Charities, which is under the management, control and administration of the Official Trustee, Madras, as per the order dated 11.03.1977 made in Application No.3783 of 1976.

3. The first applicant herein has sworn the affidavit dated 18.09.2020, filed in support of the present application, stating that the Trust Estate of M.K.A.Charities vest with the Official Trustee, consisting of many items of properties, both in Chennai City and in Chengalpattu and North Arcot Districts, worth several millions of Rupees, and is yielding substantial returns leaving behind an outstanding surplus in the hands of the Official Trustee, after meeting out all the Charities, religious and divine rituals, as per the wishes of the Testators of the charities. Five Charities were under the management of the Official Trustee at the time of vesting. Further, as per the terms of the Will of the Testator, some of the descendants of the Testator's family should be paid monthly maintenance. It is further stated by the first applicant that her sister, namely Ms.Dhanalakshmi she had filed an application in Appln.No.6609 of 2015 in C.S.No.204 of 1940 seeking to

direct the respondent/Official Trustee to pay a sum of Rs.1,25,000/- to the first applicant for celebration of Deepavali Festival during the month of November, 2015. This Court, by order dated 06.10.2015, directed the respondent-Official Trustee to pay a sum of Rs.70,000/- for celebration of Deepavali Festival during the month of November, 2015.

4. It is further stated by the first applicant herein that again, her sister Dhanalakshmi had filed application in Appln.No.5023 of 2016 in C.S.No.204 of 1940 seeking to direct the respondent/Official Trustee to pay a sum of Rs.1,35,000/- to the first applicant herein for celebrating Deepavali Festival during the month of October 2016. On 26.10.2016, this Court directed the respondent/Official Trustee to pay a sum of Rs.75,000/- for celebration of Deepavali festival during the month of October, 2016. Further, the first applicant's sister Ms.Dhanalakshmi had also filed application in A.No.6039 of 2017 in C.S.No.204 of 1940 seeking to direct the respondent/Official Trustee to pay a sum of Rs.1,50,000/- for celebration of Deepavali festival during the month of October 2017, in which, on 09.10.2017, this Court directed the respondent to pay a sum of Rs.80,000/- for celebration of Deepavali festival during the month of

October 2017.

5. It is the further averment of the first applicant in the affidavit filed in support of the present application that her sister Dhanalakshmi had further filed an application in A.No.8239 of 2018 in C.S.No.204 of 1940 seeking to direct the respondent/Official Trustee to pay a sum of Rs.1,60,000/- for celebration of Deepavali festival during the month of November, 2018, in which, on 26.10.2018, this Court directed the respondent-Official Trustee to pay a sum of Rs.90,000/-.

6. It is further averred by the first applicant in the affidavit filed in support of the present application that she had filed an application in A.No.7451 of 2019 in C.S.No.204 of 1940 seeking to direct the respondent/Official Trustee to pay a sum of Rs.2,00,000/- for celebration of Deepavali festival during the month of October 2019, in which, on 03.10.2019, this Court directed the respondent-Official Trustee to pay a sum of Rs.1,00,000/-.

7. Hence, for the present year 2020, as there is escalation of price in all consumable items, clothes, etc., the applicants pray to grant a sum of Rs.2,50,000/- for celebration of Deepavali festival during the month of

November 2020.

8. In the present application in A.No.2164 of 2020 in C.S.No.204 of 1940, the learned Official Trustee (A.G. & O.T) had filed a report, dated 04.11.2020, stating that the prayer of the applicants to grant them Rs.2,50,000/- for celebration of the present year Deepavali 2020, is highly excessive, considering the rate of interest on Fixed Deposit reducing day-by-day and there is no escalation of rent at the rate of 150% as per the calculation of the applicant. The learned A.G. & O.T. also suggested in the said report that considering the situation and object of the Donor to be fulfilled and to avoid laborious work, for the present year 2020, a sum of Rs.1,10,000/- may be granted for celebration of Deepavali festival and for the subsequent years, 5% of enhancement may be given on the said amount of Rs.1,10,000/- for ten years, until further orders and thereafter, the applicants may file a fresh application for further enhancement.

9. Keeping in mind the submissions made on either side and the above said report of the learned A.G. & O.T., and also taking into account the averments made by the applicant(s) in the present application, as suggested by the learned A.G. & O.T. in the said report, for the current year

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in C.S.No.204 of 1940

Deepavali 2020, this Court directs the respondent-A.G. & O.T. to pay a sum of Rs.1,10,000/- (Rupees one lakh and ten thousand only) and for the subsequent year(s), 5% of enhancement will be given on the said amount of Rs.1,10,000/- for ten years, until further orders and thereafter, the applicants may file a fresh application for further enhancement.

10. With the above observations and directions, this application is ordered. No costs.

06.11.2020

Speaking Order: Yes

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Office to note: Issue order copy by 09.11.2020

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To

1. The Sub-Assistant Registrar
Original Side,
High Court,
Madras.
2. The Administrator General and Official Trustee (A.G. & O.T),
High Court,
Madras.



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R.SUBBIAH, J

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