

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.06.2021

Coram:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Application No.2030 of 2021

in

C.S.No.15 of 1967

Official Trustee of Tamil Nadu,
High Court Campus,
Chennai-600 104.

.. Applicant

Application filed and Judge's Summons issued under Order XIV Rule 8 of the Original Side Rules of this Court and under Section 25 of the Official Trustees Act 11 of 1913, praying to permit the Official Trustee to utilise Rs.14,990/- from the accumulated funds for FY 2016-2017 of "M.M.Ispahani Trust" for purchasing a Mobile Vivo Y20G from the quotation of New Singapore Cell Park, No.197, NSC Bose Road, Chennai-600 001 to donate it to the blind person Advocate Mr.R.M.D.Nasrullah.

For applicant : Mr.P.Murugan, A.G. & O.T.

ORDER

This application is filed praying to permit the Official Trustee to utilise Rs.14,990/- from the accumulated funds for FY 2016-2017 of "M.M.Ispahani Trust" for purchasing a Mobile Vivo Y20G from the quotation of New Singapore Cell Park, No.197, NSC Bose Road, Chennai-600 001 to donate it to the blind person Advocate Mr.R.M.D.Nasrullah.

2. The learned A.G. & O.T. had filed a report, dated 31.05.2021, stating as follows:

(a) The office of the Administrator General and Official Trustee of Tamil Nadu [AG & OT] has been administrating more than 150 Trust Estates. There are properties in the Trust Estates and rental income deriving from it are put it in fixed deposit. Out of the rental and interest income, the Office of the AG & OT has been doing charities, maintenance to the beneficiaries, scholarship to the students, salary to estate staff, making statutory charges to government, paying income tax, meeting other necessary expenses. Apart from that, as per the orders of this Court donation by way of things, articles and medical machines etc. have been given to the NGOs and other institutions based on their request.

(b) The administration of “Hajee Mehdi Ispahani Charities” is

governed by a Scheme Decree dated 21.02.1972 in C.S.No.15 of 1967 on the file of this Court. The Official Trustee of Tamil Nadu is the custodian of the properties and as such the office of the Administrator General and Official Trustee of Tamil Nadu is administering the Trust Estate of MM Ispahani as per the order of this Court.

(c) The object of the Trust Estate of M.M.Ispahani reveals that to spend the income realized from the properties of the charities for education and medical help of poor deserving Shia Muslims. The Schedule-B para 2 of the said Scheme Decree dated 21.02.1972 is as follows:

“2. The objects of the charities are to spend the income realised from the properties of the charities for purposes enumerated in Clause 8 of this scheme and for education and medical help of poor deserving Shia Muslims”.

(d) One Mr.R.M.D.Nasrullah, Advocate, Enrolment No.33/2001, Madras High Court Advocates Association, Chennai -104, has given a letter dated 19.04.2021 stating that he is a visually challenged practising Advocate in this Court since February, 2002 and he is a panel advocate in the Office of the AG & OT and fulfilling of his responsibility entrusted to him. He further requested for Voice library through smart phone which is very useful for the blind person to gather up-to-date judicial decisions and

any such other enactments without depending on others.

(e) After interaction with the said person it reveals that his request to provide the Voice Library is genuine one. To his genuine cause the Official Trustee may join with them to help the blind people. It is stated by him for voice library the latest smart phone is effective with high configuration to download and install special application and software for blind. In the given situation, the following quotation was received from New Singapore Cell Park, No.197, NSC Bose Road, Chennai 600 001:-

Sl. No.	Supplier Company	Item	Rate per piece
1.	New Singapore Cell Park, No.197, NSC Bose Road, Chennai 600 001.	Mobile Vivo Y20G 6 GB Ram & 128 GB Capacity	Rs.14,990/-

The quotation received for Mobile Vivo Y20G from the supplier New Singapore Cell Park, No.197, NSC Bose Road, Chennai 600 001 is reasonable one in the COVID-19 lockdown and may be accepted to purchase and donate to Advocate Mr. R.M.D.Nasrullah.

(f) The Trust Estate of MM Ispahani object is to help by providing medical and education help etc. as narrated above. The beneficiary is a blind muslim and providing mobile for voice library is coming under the education to poor. By way of Doctrine of Cypress from the MM Ispahani

Trust Estate accumulation of funds for the FY 2016-2017, the expenditure may be meted out to purchase and donate a Mobile for Voice Library to the blind person Mr. R.M.D.Nasrullah.

Hence, this application is filed for the said relief.

3. This Court heard the submissions made by the learned A.G. & O.T. and perused the materials available on record.

4. Taking into consideration the above report submitted by the learned A.G. & O.T., and on a perusal of the same, this Court accepts the above said report of the learned A.G. & O.T. Accordingly, this application is ordered as prayed for.

02.06.2021

Speaking Order: Yes

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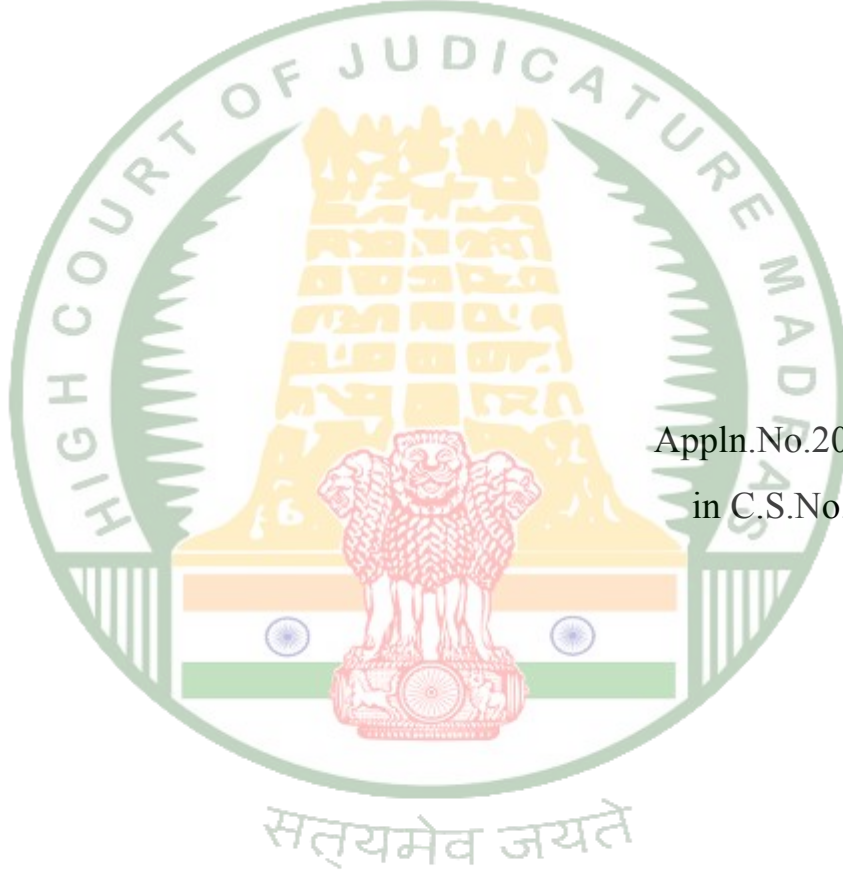
To

The A.G. & O.T., High Court Campus, Chennai-600 104.

Order dated 02.06.2021 in
Appln.No.2030 of 2021 in C.S.No.15 of 1967

R.SUBBIAH, J

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