



WEB COPY



A.No.283 of 2021

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in
O.P.No.88 of 1960

M. DURAISWAMY, J.

The applicant, who is a beneficiary under the Will executed by his great grand aunt Smt.Jamunabai, has filed the above application seeking permission to effect demolition and reconstruction of the building in the property bearing Door No.151A, Mint Street, Sowcarpet, Chennai - 600079, and thereafter, apportion the rental income derived from the lease of the portions in the reconstructed building in a fair and equitable manner, so as to expeditiously offset the cost of construction expended by the applicant.

2.The learned AG & OT submitted that he has no objection for granting permission to the applicant to effect demolition and reconstruction of the building in the said property. In the affidavit filed in support of the application, the applicant has stated that, for the purpose of getting better returns, it is necessary to demolish and reconstruct the building. Further, it has been stated that the building is more than 130 years old and therefore, the same requires demolition and reconstruction.



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3.The learned counsel for the applicant and the learned AG & OT submitted that the applicant is entitled to get 50% of the rent received from the prospective tenants after completion of the construction.

4.In view of the submissions made by the learned counsel for the applicant and the learned AG & OT and also taking into consideration the averments stated in the affidavit filed in support of the application, I permit the applicant to demolish and reconstruct the building in the property bearing Door No.151A, Mint Street, Sowcarpet, Chennai-600079. So far as the lease of the portions in the reconstructed building is concerned, the applicant shall file appropriate application before this Court after completion of the construction. I make it clear that the applicant is entitled to get 50% of the rent received from the building to be constructed in the above said property.

5.With these observations, the application is disposed of.

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