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A.No. 3517 of 2022
IN
Tr.C.S.No. 31 of 2022

C.V.KARTHIKEYAN, J.,

The plaintiff in the suit has filed the present Application after obtaining a certificate from the Joint Registrar of Original Side that a sum of Rs.11,11,396/- is now available to the credit of the suit as Court deposit bearing no interest, seeking payment out of the said sum. The said amount had been deposited by the fifth respondent/fifth defendant M/s. VAYA Life Private Ltd., represented by its Director.

2. The necessity for seeking such payment out of the entire sum had been mentioned by the plaintiff in the course of her affidavit wherein she had stated that she has obligation to maintain the complex which has both residential and commercial portions and which have been let out to tenants. It is stated that to maintain the security of the said complex security staff are required and to oversee them a Senior Officer is also required. It is also stated that owing to her advanced age, she also requires assistance. For all these purposes, it is stated that the amount is required. More importantly, she has also stated that statutory dues are payable with respect to the building. The amounts are required also for the maintenance of the building.



3. An additional affidavit had been filed wherein the aforementioned have been set out in more detail and it had been stated that two care takers are required at Rs.10,000/- each which would indicate that a monthly expense of Rs.20,000/- is spent on them and two housing keepers are required at Rs.8,000/- per month which would indicate that a sum of Rs.16,000/- is required for them. One cooking assistance at salary of Rs.8,000/- is required and one male attendant cum part time driver at a salary of Rs.10,000/- is also required. For her own sustenance, vegetable and fruits, a sum of Rs.25,000/- is required. The applicant claims that thus for her personal requirements, a sum of Rs.79,000/- is required every month. Relating to maintenance and other aspects of the building, for the supervisor, she has provided a salary of Rs.9,000/- and for two full time security a salary of Rs.10,000/- each and for three full time house keeping, a total salary of Rs.24,000/- is required. She also claimed that the electricity bill for the common area comes to around Rs.5,000/- every month and the maintenance of the lift and payment towards annual maintenance contract comes to Rs.28,000/-. She has therefore stated that she requires a sum of Rs.86,000/- per month on this account. She claims that all these expenses recur month after month and therefore she requires the amount now lying in Court deposit to be paid to her.



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4. She has also stated that in September 2022, the property tax for one half came up to Rs.91,845/- and expenses were also incurred towards maintenance like motor and on wear and tear. It can be easily visualised that since in the building, there are several residential and non residential portions, amounts would be required for maintaining the premises and there cannot be any prediction made with respect to the nature of expenses to be incurred or the amount incurred. It is therefore always safe that an amount is kept in reserve for urgent repair works to be done.

5. However, this would require that the applicant must maintain necessary accounts. It is seen that the suit had been filed against the first to fourth defendants, who are her own grandsons and grand daughter. The other defendants are tenants in the premises. In order to maintain her reputation with the family members, it is also incumbent that she maintain proper accounts for the amounts she now requires and for any other future expenses, she incurs and if ever such need arises.



6. I also had the opportunity of hearing the learned counsel for the first and second respondents. The relationship among the parties are broadly admitted but there appears to be some grievances harboured against each other. I am confident that during the course of the suit, they would be properly addressed.

7. Taking into account the averment made in the affidavit and the additional affidavit, I would direct payment out of the aforementioned said sum of Rs.11,11,396/- which is now going to the credit of Tr.C.S.No. 31 of 2022 to be paid to the plaintiff herein on proper identification and with an undertaking that necessary accounts will be submitted on or before 10th every succeeding month and filed before this Court. Copies must be served on the learned counsels primarily for the first to fourth respondents/defendants. If the first to fourth respondents feel that the accounts will have to be examined by the Court, let them wait for a period of three months and then file necessary application but not month after month.

8. With the above conditions, this Application stands allowed.

9. Registry may direct payment out at the earliest.

Vsg

15.11.2022

Note: Issue order copy on 17.11.2022.

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