



C.M.P.No.10878 of 2023

in

CRP(PD)No.3314 of 2007

V. LAKSHMINARAYANAN, J.

The petitioners seek for enhancement of monthly maintenance fixed by this Court in CRP.No.3314 of 2007. The said revision arose against an order dated 30.01.2007 in CMA.No.35 of 2005 on the file of the Additional Subordinate Judge at Puducherry. The said appeal was preferred against the order dated 10.06.2005 in I.A.No.1500 of 2005 in O.S.No.409 of 2005 on the file of the Principal District Munsif, Puducherry.

2.The suit has been filed for a declaration that the expulsion of the plaintiffs from Aurobindo Ashram Trust is illegal and contrary to law. It is not in dispute that all the inmates are maintained by the Ashram. The plaintiffs were expelled by the Ashram, which has been agitated in the suit.

3.It is the case of the petitioners that they have been expelled unfairly and therefore they are entitled for declaration. Several allegations and counter allegations have been made justifying the expulsion and at the same time rejecting such justifications.

4.Be that as it may, pending the suit, an application was taken out



for payment of maintenance amount. The trial Court fixed the monthly maintenance at Rs.5,800/-. The order was confirmed in appeal and in turn the civil revision petition.

5.Mr.C.A.Diwakar, learned counsel for the respondents would submit that there are several other proceedings which have taken place including filing of a suit under Section 92 by the plaintiffs for framing of the scheme. He would state that the plaintiffs are responsible for the present situation and it is not the Ashram. He adds the Ashram, being a charitable institution, cannot keep paying amounts demanded by the petitioners. He stiffly opposes this application for enhancement.

6. I heard the party-in-person Ms.Hemlata Prasad and Mr.C.A.Diwakar, learned counsel appearing for the respondents.

7. I am not going into the allegations and counter allegations regarding the reasons why the petitioners were expelled from the Ashram. That is for the learned District Munsif to decide after going through the evidence. Both sides agreed that as of now DW1 is in the witnesses box in O.S.No.668 of 2002 and PW1 is in the witness box to be cross examined in O.S.No.409 of 2005. There have been slew of directions given by the High Court directing disposal of the suit, but unfortunately the said suit is still pending.



8. Considering the increase in cost of living, an application has been taken out for enhancement of maintenance, which is before me today. The petitioners want the enhancement of the monthly maintenance amount from Rs.5,800/- to Rs.30,000/-. I am not willing to grant the petition as prayed for. I am also not willing to grant an order without imposing a condition.

9. I had requested Mr.C.A.Diwakar to find out, if there is any possibility for enhancement. On written instructions, he would state that the Ashram is willing to enhance the compensation to Rs.8,000/-. When I informed the petitioners that I am not inclined to grant Rs.30,000/-, the petitioner would state that it takes Rs.7,000/- for getting house on rent and they are also having medical ailments, which consume considerable amount of their resources. The petitioners would therefore request that the amount be enhanced to at least Rs.14,000/-.

10. In the light of the above discussion, I am willing to enhance the amount from Rs.5,800/- to Rs.13,000/- to be paid month on month till 31.12.2023. If the suits are being delayed by the plaintiffs/petitioners, then on 31.12.2023, the liability of the Ashram to pay the maintenance amount will come to an end. However, if the delay in the suit is due to the act of the Ashram, then, it is open to the petitioners to come forward



with an application for extension of maintenance.

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11. While disposing of the Civil Miscellaneous Petition, I request the learned Principal District Munsif, Puducherry to take up O.S.No.409 of 2005 as well as O.S.No.668 of 2002 and dispose of the same on or before 31.12.2023. I am informed that he is already giving priority to the matter by listing it at 4.00 p.m. on each day of hearing. He shall ensure that parties co-operate with the disposal of the case. In case unnecessary adjournments are sought for, full discretion is given to him to reject such request and if necessary, even close the evidence and proceed further. I am passing this direction because the suits have been pending for nearly 21 years without substantial progress. The parties have been litigating on processual matters instead of substantial issues. This Civil Miscellaneous Petition is allowed with the aforesaid directions.

20.07.2023

VS



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