



A.No.4792 of 2023  
in Tr.C.S.No.31 of 2022

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**R.N.MANJULA, J.**

This application has been filed seeking for payment out for a sum of Rs.19,48,006/-.

2. The above suit has been filed for seeking mandatory injunction directing the respondents 5 to 13 to deposit their rent in respect of the suit schedule property to the credit of the suit, pending disposal of the suit and also for permanent injunction restraining respondents 1 to 4 / defendants 1 to 4 from collecting the lease rentals with regard to the suit schedule property pending disposal of the suit.

3. The learned counsel for the applicant / plaintiff submitted that the applicant / plaintiff has got life interest over the suit property under the settlement deed dated 04.07.2002 executed by her husband; after her lifetime, her four grandchildren is entitled to acquire the respective floors in the suit property absolutely; hence the applicant is entitled to receive the monthly rent in respect of the suit schedule property during her lifetime for her own use and benefit; the said fact has been confirmed by the Division Bench of this Court in O.S.A.No.157 of 2022.



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3.1. On 15.11.2022, in an application filed by the applicant in A.No.3517 of 2022 in O.A.No.122 of 2022 in Tr.C.S.No.31 of 2022 for payment out, this Court was pleased to order a sum of Rs.11,11,396/- to be paid to the applicant and the said sum was towards the accumulation of rent deposited by the tenant; since the applicant is suffering from Rheumatoid Arthritis, she needs money for her own well being and for maintenance of the property and also to pay the salary for the personal attenders who are taking care of the applicant.

3.2. On 25.04.2023, in an application filed by the applicant in A.No.2285 of 2023 in Tr.C.S.No.31 of 2022, this Court ordered payment out for a sum of Rs.21,95,558/- for carrying out repair works in the suit property; since the tenants are not co-operative, the refurbishment work in the suit schedule property is yet to begin; the applicant has to meet out recurring financial commitment like payment of wages for the caretakers appointed for taking care of the property and persons appointed to assist the applicant; since the applicant has got no other income, she is dependent of her elder son and further the applicant is entitled to enjoy the benefit in view of the life estate conferred on her over the suit property; this application has



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also been filed for the same reasons as stated already in the earlier applications and hence payment out has to be ordered for a sum of Rs.19,48,006/- which have been deposited by the respondents 5 to 13 to the account of the suit, in pursuant to the order dated 07.04.2022.

4. Since the applicant has been given with the life interest in respect of the suit schedule property and constant expenditures have to be incurred towards maintenance of the suit property and money is needed for her personal maintenance as well, the application has been filed for payment out of the money deposited by the respondents 5 to 13 to the account of this suit. Similar such applications have already been made by the applicant for payment out for the purpose of maintenance and to carry out the repairing works in the suit property.

5. The interested parties namely the respondents 1 to 4 did not make any serious objections for allowing this application. The rest of the respondents 5 to 13 are the tenants who have deposited the rent in the Court as per the earlier direction of the Court.



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6. Since the applicant is said to have a life interest over the alleged property and the said fact was not denied by the respondents 1 to 4 and in view of the orders already passed in similar such applications filed by the applicants in A.No.3517 of 2022 in O.A.No.122 of 2022 and A.No.2285 of 2023 in Tr.C.S.No.31 of 2022, I feel that this application should be allowed.

7. Accordingly this application is allowed. The Registry may direct payment out at the earliest.

**25.08.2023**

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25.09.2023