



C.M.P.No.1607 of 2024 ...
C.R.P.No.3314 of 2007

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C.R.P.No.3314 of 2007

WEB C **S.SOUNTHAR,J.**

The Civil Miscellaneous Petition is filed seeking a direction to respondents to continue to pay the monthly payment of Rs.13,000/- each to the petitioners, till the disposal of the suit in O.S.No.409 of 2005 pending on the file of learned Principal District Munsif, Puducherry.

2.The petitioners herein filed a suit for declaration that their expulsion from Sri Aurobindo Ashram Trust was illegal and contrary to law. Pending suit, they filed an application seeking payment of the maintenance amount and the Trial Court fixed the maintenance amount of Rs.5,800/- and the same was taken to this Court by way of civil revision petition in CRP.No.3314 of 2007. The said civil revision petition was disposed of by this Court by passing following order which reads as follows:-

“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



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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.

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”.

3. By virtue of the liberty granted in the above said order, the petitioners have come with the instant application seeking direction to respondents to continue to pay the maintenance amount pending disposal of the suit.

4. The above said civil revision petition was disposed by this Court on 20.07.2023. As per the averment found in the affidavit filed in support of the present application, the petitioners reported death of Jayashree Prasad to the Trial Court on 05.06.2023 and after receipt of death certificate, filed I.A.No.901 of 2023 on 19.07.2023 for amendment of the cause title to include her legal representatives. The submission on the side of the petitioners was



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heard by the learned District Munsif on 26.07.2023 and thereafter, respondents

had taken time on 03.08.2023, 17.08.2023, 25.08.2023, 04.09.2023 and

11.09.2023. Finally, on 21.09.2023, the submissions were made on behalf of

the respondents and the learned District Munsif allowed the I.A.No.901 of

2023 and directed the petitioners to file amended plaint. It was further stated

by the petitioners that amended plaint was filed on 12.10.2023 incorporating

the death of Jayashree Prasad and indicating the names of her legal

representatives. It was further stated in the affidavit that on 03.11.2023 one

Abhipsa P.Nagda filed additional written statement in O.S.No.409 of 2005

raising new issues and allegation and the matter was posted for filing reply

statement of the petitioners on 27.11.2023. Due to illness, the petitioners could

not file the reply statement on 27.11.2023 and the same was filed only on

30.11.2023. Now, according to the petitioners, the suit is posted for framing of

issues. In support of the contentions raised by the petitioners in the affidavit,

the petitioners also enclosed the E-courts status of the proceedings before the

Trial Court.



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5. A perusal of the same would suggest that petitioners filed I.A.No.901 of 2023 to amend the plaint so as to incorporate the legal representatives and the same was allowed only on 29.09.2023 and amended plaint was filed by the petitioners immediately on 12.10.2023. Therefore, a perusal of the proceedings before the Court below would suggest that petitioners have not committed anything to delay the progress of the suit.

6. The learned counsel for the respondents by taking this Court to the counter affidavit filed by the respondents submitted that petitioners filed a suit for framing of scheme before the Principal District Judge, Puducherry and also filed an application for interim direction for appointment of trustees and hence, delay in disposal of O.S.No.409 of 2005 is attributable to the petitioners.

7. Filing of separate suit by the petitioners cannot be a ground to come to the conclusion that petitioners delayed the progress of the present suit. As mentioned earlier, perusal of E-Court status filed along with this petition would suggest that there is no attempt by the petitioners to delay the progress



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of the suit. In such circumstances, as per the order passed by this Court earlier on 20.07.2023 in CMP.No.10878 of 2023 in CRP.No.3314 of 2007, the petitioners are entitled to file present application seeking extension of the interim relief already granted to them.

8. By taking into consideration the facts and circumstances of the case, the Trial Court is directed to dispose of the suit in O.S.No.409 of 2005 as expeditiously as possible having the earlier direction issued by this Court dated 20.07.2023 in mind.

9. The respondents are hereby directed to pay the amount of Rs.13,000/- (rupees thirteen thousand only) to the petitioners as ordered earlier till 31.07.2024. If the suit is not disposed before that date and the delay in disposal of the suit is due to the fault of the petitioners, they are not entitled to claim the above said monthly amount beyond that date. On the other hand, if the delay in disposal of the suit is due to the act of the respondent/Ashram, it is open to the petitioners to come forward with an application for extension of the interim relief granted to them.



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WEB COPY 10. With these directions, the Civil Miscellaneous Petition is disposed

of.

18.03.2024

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