

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 10TH DAY OF SEPTEMBER 2015/19TH BHADRA, 1937

OP.No. 793 of 2002 (T)

PETITIONER(S):

NARAYANIKUTTY AMMA, D/O.DEVAKI AMMA,
MANAGER, A.U.P.SCHOOL, AMAYOOR SOUTH
P.O.AMAYOOR, OTTAPALAM TALUK
PALAKKAD DISTRICT AND RESIDING AT
PATTATHODIYIL NARAYAN PALLIYALIL, AMAYOOR AMSOM
AND DESOM, P.O.AMAYOOR, OTTAPALAM TALUK
PALA

BY ADVS.SRI.T.KRISHNAN UNNI (SR.)
SMT.PREETHY KARUNAKARAN

RESPONDENT(S):

1. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM.
2. THE ASSISTANT EDUCATIONAL OFFICER,
PETTAMBI, PALAKKAD DISTRICT.
3. UNNIKRISHNAN, S/O. DEVAKI AMMA,
'SOUPARNIKA', AMAYOOR AMSOM AND DESOM
P.O.AMAYOOR VIA. PATTAMI, OTTAPALAM TALUK
PALAKKAD DISTRICT, PIN:679 310.
4. NARAYANAN NAIR, S/O.DEVAKI AMMA,
PATTATHODIYIL NARAYANAN PALLIYALIL HOUSE
AMAYOOR AMSOM AND DESOM, P.O.AMAYOOR, VIA PATTAMBI
OTTAPALAM TALUK, PALAKKAD DISTRICT, PIN: 679 310.

ADDL R5: THE DEPUTY DIRECTOR OF EDUCATION,
PALAKKAD

(ADDL R5 IS IMPEADED AS PER ORDER DT 10.02.2003 IN CMP NO.6518/2003)
OP.No. 793 of 2002 (T)

OP.No. 793 of 2002 (T)

ADDL.R6 N.P ACHUTHAN NAIR,
S/O.LATE ACHUTHAN NAIR
ACHUTH HOUSE, SHORNUR
PALAKKAD DISTRICT

ADDLR7: DISTRICT EDUCATIONAL OFFICER
OTTAPALAM, PALAKKAD DISTRICT

ADDL.R6 AND R7 IMPEADED AS PER ORDER DATED 10.09.2015 IN I.A
NO.12538/2005)

R,R1&2 BY ADV. GOVERNMENT PLEADER SRI T R RAJESH
R3 BY ADV. SRI.P.G.PARAMESWARA PANICKER (SR.)
R,R3 BY ADV. SRI.P.GOPAL
R,R3 BY ADV. SRI.SANTHEEP ANKARATH

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 10-09-2015,
ALONG WITH OP. 32550/2002, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

OP.No. 793 of 2002 (T)

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1:TRUE COPY OF THE ORDER DT 1.7.1995 ISSUED BY THE 2ND RESPONDENT

EXT.P2: TRUE COPY OF THE PLAINT DT 22.05.1997 IN O.S. NO. 58 OF 1997 ON THE FILE OF THE COURT OF THE SUBORDINATE JUDGE OF OTTAPPALAM

EXT.P3: TRUE COPY OF THE WRITTEN STATEMENT DATED 7.11.1997 FILED BY DEFENDANTS 2,3, 5 TO 7 AND 10 IN O.S. NO.58/1997 ON THE FILE OF THE COURT OF THE SUBORDINATE JUDGE OF OTTAPALAM

EXT.P4: TRUE COPY OF THE PLAINT DT 31.07.1997 IN OS.NO.167/1997 ON THE FILE OF THE COURT OF THE MUNSIFF MAGISTRATE OF PATTAMBI

EXT.P5:TRUE COPY OF THE COUNTER STATEMENT DT 9.9.1997 IN I.A. NO.838 OF 1997 IN O.S. NO.167/1997 ON THE FILE OF THE COURT OF THE MUNSIFF MAGISTRATE OF PATTAMBI FILED BY THE 1ST DEFENDANT/1ST RESPONDENT

EXT.P6: TRUE COPY OF THE ORDER DT 5.8.1998 IN I.A NO.838/1997 IN OS NO.167/1997 ON THE FILE OF THE COURT OF THE MUNSIFF MAGISTRATE OF PATTAMBI

EXT.P7: TRUE COPY OF THE JUDGMENT DATED 20.09.2000 IN C.M. A NO.10/1998 ON THE FILE OF THE COURT OF THE SUBORDINATE JUDGE OF OTTAPALAM

EXT.P8: TRUE COPY OF THE PLAINT DATED 15.11.1998 IN O.S NO.162/1998 ON THE FILE OF THE COURT OF THE SUBORDINATE JUDGE OF OTTAPALAM

EXT.P9: TRUE COPY OF THE WRITTEN STATEMENT DATED 20.10.1999 FILED BY THE PETITIONER HEREIN IN O.P NO.162/1998 ON THE FILE OF THE COURT OF THE SUBORDINATE JUDGE OF OTTAPALAM

EXT.P10: TRUE COPY OF THE ORDER DT 20.09.2000 IN I.A. NO. 1081/1999 IN O.S. NO.162/1998 ON THE FILE OF THE COURT OF THE SUBORDINATE JUDGE OF OTTAPALAM

EXT.P11: TRUE COPY OF THE MEMORANDUM OF C.M. APPEAL DATED 20.10.2000 IN C.A.A NO.248/2000, DISTRICT COURT PALAKKAD

EXT.P12: TRUE COPY OF THE NOTICE DATED 8/11/2001 SENT BY THE PETITIONER TO THE 4TH RESPONDENT

EXT.P13: TRUE COPY OF THE REPLY DT 15.11.2001 SENT BY THE PETITIONER TO THE 4TH RESPONDENT

EXT.P14: TRUE COPY OF THE LETTER DT 1.10.2001 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER

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EXT.P15: TRUE COPY OF THE REPLY DT 14.10.2001 SENT BY THE PETITIONER TO THE FIRST RESPONDENT

EXT.P16: TRUE COPY OF THE REPRESENTATION DT 10.10.2000 SENT BY THE PETITIONER TO THE 1ST RESPONDENT

EXT.P17: TRUE COPY OF THE ORDER DT 20.12.2001 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER

EXT.18: TRUE COPY OF THE ORDER DT 25.11.2002 PASSED BY THE 2ND RESPONDENT

EXT.P19: TRUE COPY OF THE ORDER DT 4.12.2002 PASSED BY THE 2ND RESPONDENT

EXT.P20: TRUE COPY OF THE ORDER DT 27.1.2003 PASSED BY THE ADDITIONAL 5TH RESPONDENT

RESPONDENTS EXHIBITS:

EXT.R3(A): TRUE COPY OF THE POWER OF ATTORNEY DT 17.11.1994 EXECUTED BY THELEGAL HEIRS OF LATE ACHUTHAN NAIR

EXT.R3(b): TRUE COPY OF THE DOCUMENT DT 23.12.2000

EXT.R3©: TRUE COPY OF THE DOCUMENT DT 9.11.2000

EXT.R3(d) TRUE COPY OF THE DOCUMENT DT 3.10.2000

EXT.R3(e): TRUE COPY OF THE BYELAW DT 18.11.2001

TRUE COPY

P.A TO JUDGE

jma

K. VINOD CHANDRAN, J

O.P No.793 of 2002 & 32550 of 2002

Dated this the 10th day of September, 2015

J U D G M E N T

I have heard the learned counsel for the petitioner as also the learned counsel for the respondents. Admittedly, there was a civil suit pending in which it is stated that a preliminary decree has also been passed. The issue being the management of an aided school, parties would be governed by the decision of the civil court, Original petition would stand closed, leaving open the contentions of either parties to be urged before the appropriate forum.

SD/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge