

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2015

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

O.S.A.Nos.143 to 145 of 2015
and

M.P.Nos.1 to 1 of 2015

- 1.Bagaria Educational Trust,
rep. by its Authorised Signatory Onkar Bagaria,
110, Arvind Nagar,
Jagatpura, Jaipur - 302 025.
- 2.Vivekanand Institute of Technology,
VIT Campus, Sisyawas,
NRI Road, Jagatpura,
Jaipur - 303 012,
Rajasthan, India.
- 3.Vivekanand Institute of Technology(East),
Formerly known as Vivekanda Collge of Engineering,
VIT Campus, Sisyawas,
NRI Road, Jagatpura,
Jaipur - 303 012,
Rajasthan, India.
- 4.VIT University,
(Presently known as Vivekanda Global University),
rep. by its Authorised Signatory,
VIT Campus, Sector 36,
NRI Road, Jagatpura,
Jaipur - 303 012,
Rajasthan, India.

... Appellants in
all appeals/Respondents 1 to 4

vs

- 1.VIT University,
(Vellore Institute of Technology),
Vellore-632 014, Tamil Nadu, India,
having Chennai office at
New No.6, Old No.73, Second street,
Opp. Towers Club,
Anna Nagar,
Chennai-600 040,
rep. by its Registrar.

2.University Grants Commission,
(UGC),
Bahadur Shah Zafar Marg,
New Delhi - 110 002.

3.The State of Rajasthan,
rep. by its Chief Secretary,
Secretariat,
Jaipur - 302 005.

... Respondents in
all appeals/Ist Respondent/
Respondent 5 & 6

(Cause Title accepted vide order
dated 9.7.2015 made in MPs.1 and 2 of 2015)

Appeals filed under Clause 15 of the Letters Patent read with
Order XXXVI, Rule 9 of Original Side Rules against the common order
dated 1.6.2015 made in Original Application Nos.576, 577 and 640 of
2012 in C.S.No.476 of 2012.

For Appellants .. Mr.AR.L.Sundaresan
in all appeals Senior Counsel
for
M/s.Bharath

For Respondent .. Mr.P.S.Raman
No.1 in all Senior Counsel
appeals for
M/s.A.Saravanan

COMMON JUDGMENT

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

After strenuously advancing his case, the learned Senior Counsel
for the appellants states that what the appellants now seeks is
limited to the use "VIT" in brackets along with Vivekanand Institute
of Technology. This was not the plea submitted to and examined by
the learned Single Judge, which is apparent from a reading of the
plea advanced by the appellants before the learned Single Judge at
page 31 of the certified copy of the impugned order.

2. The learned Senior Counsel for the appellants also contends
that in their counter-affidavit filed, such a plea was raised. If
that was the plea raised, which appears doubtful from the submissions
recorded by the learned Single Judge, then once again the appellants
were required to approach the learned Single Judge.

3. The learned Senior Counsel for the appellants, faced with such
situation, seeks to withdraw the appeals and states that they will
move before the learned Single Judge to the aforesaid extent.

Needless to say, if this plea is opposed by the respondents, they are entitled to do so in accordance with law.

4. The appeals, accordingly disposed of in the aforesaid terms. No costs. Consequently, connected miscellaneous petitions are closed.

5. In the end, we are constrained to note the practice which we must deprecate, not confined to this matter. In suits, when the parties/defendants are served with summons, they are required to file the written statement within the specified time. This was the very object of amending the Code of Civil Procedure, 1908. A strange practice seems to have developed where Interlocutory Applications are seriously contested and that only counter-affidavits in opposition to the applications are filed, while filing of written statement is kept in abeyance for years together. For example, in the present case, no written statement has been filed despite lapse of three years' time. We, thus, make it clear that if the defendants do not file the written statement within the specified time in the Code/Original Side Rules or they do not seek extension of time, their right to file the written statement is liable to be closed in accordance with law. This aspect may be taken note of by the Master of this Court and this order, be circulated to the Master.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

bbr
To

1. The Sub Assistant Registrar
Original Side, Madras High Court,
Chennai.

2. The Master,
Madras High Court,
Chennai.

1 cc to M/s.A.Saravanan , Advocate Sr.No.39571
1 cc to M/s.Bharathi, Advocate Sr.No.39682

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rj(co)
pmk.18.8.2015