



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Twenty Seventh day of February Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN
and
The Hon`ble Mrs.Justice R.HEMALATHA

CMP(MD) No.1460 of 2018

IN

WA(MD) No.1441 of 2016

G.RAVINDRAN

... PETITIONER/1st RESPONDENT

Vs

1 THE CORRESPONDENT,
SEVENTH DAY ADVENTIST MATRICULATION SCHOOL,
ELLIS NAGAR, MADURAI.

2 THE PRINCIPAL
SEVENTH DAY ADVENTIST MATRICULATION SCHOOL
ELLIS NAGAR, MADURAI ... RESPONDENT 1 & 2/APPELLANTS

3 THE STATE OF TAMIL NADU,
REP BY ITS SECRETARY,
EDUCATION SCIENCE AND TECHNOLOGY DEPARTMENT,
FORT ST.GEORGE, CHENNAI-600 009.

4 THE SECRETARY,
TAMIL NADU SPORTS DEVELOPMENT CORPORATION,
CHENNAI.

5 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, NUNGAMBAKKAM, CHENNAI-600 006.

6 THE DISTRICT COLLECTOR,
MADURAI DISTRICT, MADURAI.

7 THE COMMISSIONER,
CORPORATION OF MADURAI, MADURAI.

8 THE REVENUE DIVISIONAL OFFICER
MADURAI NORTH, MADURAI

9 THE TAHSILDAR,
MADURAI NORTH, MADURAI.

... RESPONDENTS 3TO9/RESPONDENTS 2TO8

**Prayer in CMP(MD) . 1460/ 2018 :**

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioner to withdraw a sum of Rs.4,80,000 with interest lying in the account of Writ Appeal No.1441/2016 in the Indian Bank Madurai Bench Bank and thus render justice.

Prayer in WA(MD) . 1441/ 2016 :

Writ Appeal is filed under Clause 15 of Letters Patent, praying to set aside the order dated 15.04.2015 passed in W.P.(MD)No.10045 of 2009 and consequently, allow the Writ Appeal.

Prayer in WP(MD) . 10045/ 2009 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS, or any other appropriate order or direction in the nature of writ, directing the respondents to pay compensation to the petitioner for the death of his son Ashwin Ram due to the negligence acts on the part of the respondents.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.J.ANANDHAVALLI, Advocate for the petitioner and of MR.V.R.VENKATESAN, Advocate for R1 and the R2 to R8 not appeared either in person or by an advocate the court made the following order:-

(Order of the Court was made by **M. SATHYANARAYANAN, J**)

The matter pertains to compensation ordered by this Court payable on account of the death of the son of the petitioner, who was aged about 14 years.

2. It is represented that the learned Single Judge has allowed the writ petition vide order dated 15.04.2015, by directing the Commissioner, Corporation of Madurai, to pay a sum of Rs.4,80,000/- and the Management of Seventh Day Adventist Matriculation School to pay a sum of Rs.4,80,000/- and challenging the said orders, two writ appeals in Writ Appeal Nos.724 of 2015 and 1441 of 2016 were filed and both the appeals were dismissed on 30.11.2017.

3. It is represented that the appellant in Writ Appeal No.1441 of 2016 had deposited a sum of Rs.4,80,000/- to the credit of their appeal in Indian Bank, Madurai Bench of Madras High Court Branch, Madurai. The petitioner herein, who is the father of the deceased, came forward to file this petition seeking withdrawal of the same.

4. Heard the submission of Ms.J.Anandhavalli, learned counsel for the petitioner and Mr.V.R.Venkatesan, learned counsel appearing for the respondent/ School Management and also perused the materials and we are satisfied with the reasons assigned in the affidavit



filed in support of the petition. Therefore, the petition is ordered as prayed for.

sd/-
27/02/2018

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SECRETARY,
STATE OF TAMIL NADU,
EDUCATION SCIENCE AND TECHNOLOGY DEPARTMENT,
FORT ST.GEORGE, CHENNAI-600 009.

2 THE SECRETARY,
TAMIL NADU SPORTS DEVELOPMENT CORPORATION,
CHENNAI.

3 THE DIRECTOR OF SCHOOL EDUCATION,
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MADURAI NORTH, MADURAI

7 THE TAHSILDAR,
MADURAI NORTH, MADURAI.

+1. C.C. to M/S.J.ANANDHAVALLI Advocate SR.No.3226

ORDER IN
CMP(MD) No.1460 of 2018 IN
WA(MD) No.1441 of 2016
Date :27/02/2018

MKV-PM-PN-SAR 1/2.3.2018/3P-9C