



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2018

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) .No.82 of 2016

and

C.M.P. (MD) Nos.340 and 1756 of 2016

Saraswathiamma

... Petitioner/1st Defendant

Vs.

1. Jayasreekumar

... 1st Respondent/Plaintiff

2. The District Educational Officer,
Kuzhithurai,
Kanyakumari District.

3. The Chief Educational Officer,
Kanyakumari District at Nagercoil.

4. The Director of School Education, (Higher Secondary)
Chennai-600 006.

5. The State of Tamilnadu,
represented by the District Collector,
Kanyakumari District at Nagercoil.

... 2 to 5th Respondents/
2 to 5th Defendants

PRAYER: Petition filed under Article 227 of Constitution of India, to call for the records in connection with O.S.No.281 of 2015 on the file of Principal District Munsif Court, Kuzhithurai and to allow the Civil Revision Petition and to strike off the plaint.

For petitioners	: Mr.Mohammed Imran for M/s. Ajmal associates
For R1	: Mr.Veera kathiravan. Senior Counsel for M.s.Veera Associates
For R2 to R4	: Mrs.S.Srimathy Special Government Pleader
For R5	: Mr.M.Karuppasamy Government Advocate

**ORDER**

The first defendant in O.S.No.281 of 2015 on the file of District Munsif Court, Kulithalai, is the revision petitioner herein. This Civil Revision Petition has been filed to strike of the said plaint from the file of the Court. The contention of the revision petitioner is that the suit is barred by the provisions of Tamilnadu Recognised Private Schools (Regulation) Act, 1973.

2.This Court is of the view that the revision petitioner is very much having an alternative remedy. The revision petitioner can as well file an application under Order 7 Rule 11 of CPC. All the contentions available to the revision petitioner are left open. If the revision petitioner files such an application within a period of three weeks from the date of receipt of a copy of this order, the same shall be disposed of by the Court below within four weeks thereafter. Till then, the suit proceedings shall be put on hold.

3.With this observation, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar (CS-III)

To

The District Munsif,
Kuzhithurai.

- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 85180 & 85642
- + 1 CC TO M/s.AJMAL ASSOCIATES, IN SR No. 85332
- + 1 CC TO M/s.VEERA ASSOCIATES, ADVOCATE IN SR No. 85037

PNN

TE/PM/SAR-3 : 25/10/2018 : 2P/5C

ORDER MADE IN
C.R.P. (PD) (MD) .No.82 of 2016 and
C.M.P. (MD) Nos.340 and 1756 of 2016
18.09.2018