



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:26.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRP. (MD) .No.2445 of 2012 (PD)

and

M.P. (MD) .No.1 of 2012

Kartheesan

...Petitioner / Petitioner / Plaintiff

Vs.

1.Jeya Rajesh Matric Higher Secondary School,
Through its Manager,
Appuvilai Panchayat,
Thisaiyanvilai, Radhapuram Taluk,
Tiruneveli District.

2.Jeya Rajesh Matric Higher Secondary School,
Through its Prinicipal,
Appuvilai Panchayat,
Thisaiyanvilai, Radhapuram Taluk,
Tiruneveli District.

3.The Director,
Office of the Matriculation Education,
College Road, Chennai.

4.The Inspector,
Office of the Matriculation Education Inspector,
N.G.O. Colony, Tirunelveli. ..Respondents / Respondents/
Defendants

PRAYER: This Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 18.01.2012 made in I.A.No.427 of 2011 in O.S.No.249 of 2010, on the file of the Additional District Munsif Court, Valliyur.

For Petitioner : Mr.A.Arumugam

For R-1, R-3

& R-4

: No Appearance

For R-2

: Mr.J.Ashok

for M/s. Jeyapal Associates

O R D E R

This Civil Revision Petition has been filed challenging the fair and final order passed by the Court below dismissing the

<https://hcservices.ecourts.gov.in/hcservices/>



application filed under Order 26 Rule 9 of the Code of the Civil Procedure to appoint an Advocate Commissioner to note down the physical features of the suit property.

2. The petitioner is the plaintiff and the suit was filed in a representative capacity seeking for the relief of cancelling the recognition granted by the concerned Authority and to in-junct the School from collecting excessive fees from the students and for other consequential reliefs. It was the case of the petitioner that the School is being run without fulfilling the requirements and therefore, the recognition granted to the School must be cancelled. For that purpose, the petitioner wanted the Advocate Commissioner to be appointed in order to note down the physical features and to file a report and according to the petitioner, this report will reveal the various deficiencies that are found in the School and the same will help the petitioner in establishing this case.

3. The Court below has dismissed this application mainly on the ground that the petitioner has to prove his case and he cannot seek for appointment of an Advocate Commissioner to collect the evidence. The Court below has found that the concerned School Authorities have already granted Certificate to the School after inspecting the School and sanction has also been granted and therefore, it is for the petitioner to prove that the School is being run without fulfilling the norms.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the second respondent.

5. Taking into consideration the facts and circumstances of the case and the reasoning given by the Court below, this Court is not inclined to interfere with the fair and final order passed by the Court below. This Court does not find any illegality or infirmity in the order passed by the Court below and accordingly, the Civil Revision Petition stands dismissed. The Court below is directed to complete the proceedings in O.S.No.249 of 2010, within a period of three months from the date of receipt of copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Additional District Munsif, Valliyoor.

2.The Record Keeper,

VR Section,

Madurai Bench of Madras High Court,

Madurai. (2 copies)

+1 CC to Mr.J.C.RATHNAVEL PANDIAN, Advocate (SR-102153[F] dated 28/11/2019)

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VB(16.12.2019) 3P 5C