

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE R. SUBRAMANIAN

C.R.P (PD).No.3497 of 2018

&

C.M.P.Nos.19609 & 19612 of 2018

M/s.Mother Teresa Women's University Research
and Extension Centre,
Rep. by its Registrar of
Mother Teresa Women's University,
Teachers Training College Campus,
Saidapet, Chennai – 600 015.

.. Petitioner

Vs.

M/s.Ayyappa Foods,
Rep. by its Proprietor S.B.M.Gowdhaman,
M/s.Mother Teresa Women's University Research
and Extension Centre,
Teachers Training College Campus,
Saidapet, Chennai – 600 015.

... Respondent

Prayer: The Civil Revision petition filed under Article 227 of Constitution of India for striking of the plaint in O.S.No.5315 of 2018 on the file of 4th Assistant, City Civil Court, Chennai.

For Petitioner : Mr.T.Balaji
for Mr.A.Thiyagarajan

For Respondent : Mr.P.Rajkumar Pandian

ORDER

This Civil Revision Petition has been filed seeking rejection of the
plaint in O.S.No.5315 of 2018 on various grounds.

2. I heard Mr.T.Balaji, learned counsel appearing for the petitioner.

3. Mr.T.Balaji would submit that the suit has been filed without
notice under Section 80 of the Civil Procedure Code. He would draw my
attention to the Tamil Nadu Act No.15 of 1984, under which the
petitioner/University came into being. Relying upon Section 18 of the Act the
learned counsel would contend that, since the Vice-Chancellor and other
officers of the University are deemed to be public servants, notice under
Section 80 of C.P.C. is required.

4. Section 18 of the Act reads as follows:

“18. Vice Chancellor and other officers, etc., to be public servants. -
The Vice-Chancellor, the Registrar, the Finance Officer and other employees of the University shall be deemed when acting or purporting to act in pursuance of any of the provisions of this Act to be public servants within the meaning of Section 21 of the Indian Penal Code.”

5. It is the further contention of the learned counsel that in view of Sub-section (3) of Section 14 of the Act, which provides that the Registrar would represent University in all suits and other legal proceedings, the suit filed showing the University represented by the Vice-Chancellor as the defendant, is liable to be rejected.

6. I do not think these contentions would afford a ground for rejection of the plaint that too under Article 227 of Constitution of India by this Court. It is open to the petitioner to approach the Trial Court under Order 7 Rule 11 of Civil Procedure Code. I do not think that I can entertain revision under Article 227 on the above stated grounds for rejection of the suit. Hence,

the Civil Revision Petition fails and it is dismissed. No costs. Consequently,
connected miscellaneous petitions are closed.

29.07.2020

rsi

Index: No
Speaking order

To

- 1.IV Assistant Judge,
City Civil Court,
Chennai.
2. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.

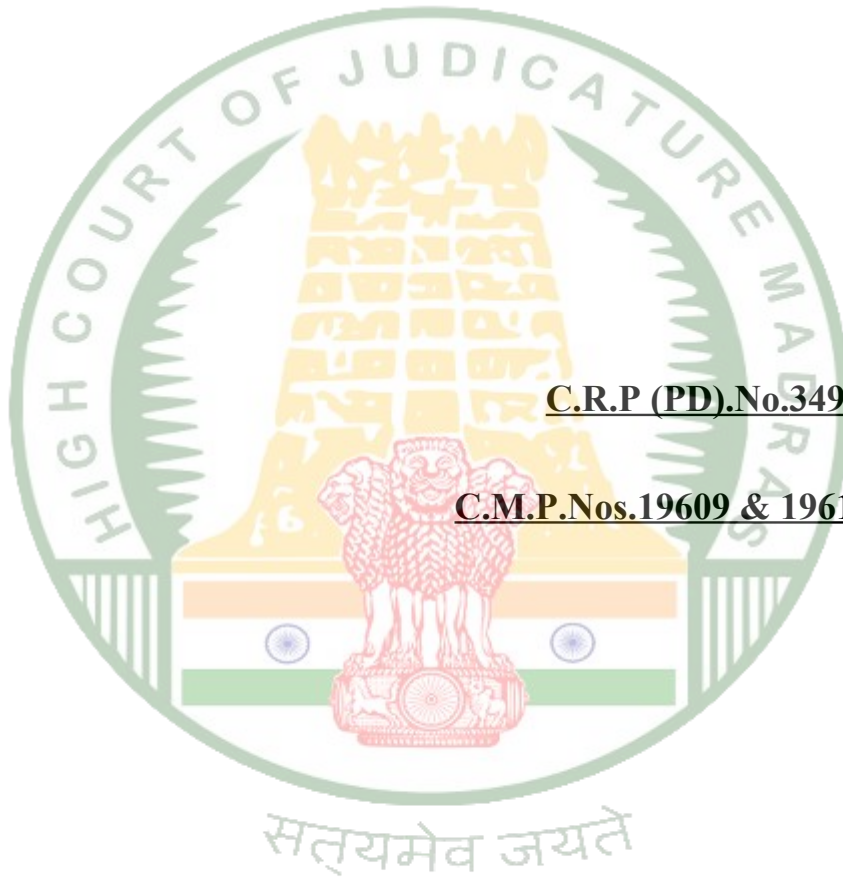


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R.SUBRAMANIAN, J.

rsi



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