

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.No.2853 of 2016

and

CMP.No.14528 of 2016

Manimegalai

..Petitioner

Vs.

- 1.R.Jagathammbal
 - 2.The District Elementary Educational Officer,
Office of the District Elementary Officer,
Nagapattinam
 - 3.The Assistant Elementary Educational Officer,
Office of Assistant Educational Officer,
Keezhevellore and Taluk,
Nagapattinam District
 - 4.The District Collector,
Office of the District Collector,
South Palpannaicherry,
Nagapattinam District
- ..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the order and decretal order dated 02.02.2016 and made in IA.No.783 of 2015 in OS.No.18 of 2015 on the file of the District Munsif at Nagapattinam.

For Petitioner : Mr.S.Balasubramanian

For Respondents

For R1 : Mr.K.Raja
For R2 & 3 : Mr.C.Munusamy,
Special Government Pleader
For R4 : Mr.S.Jaganathan,
Government Advocate(CS)

ORDER

The civil revision petition is arising out of order and decretal order dated 02.02.2016 made in IA.No.783 of 2015 in OS.No.18 of 2015 on the file of the District Munsif at Nagapattinam thereby allowing the petition filed by the first respondent herein to implead herself as one of the defendants in the suit filed by the petitioner herein.

2. The petitioner is the plaintiff. She filed suit as against the respondents 2 to 4 herein for declaration declaring that the order passed by the second respondent herein as null and void and also prayed for mandatory injunction directing the second respondent to pass orders by accepting the plaintiff as agent of the school as per the resolution dated 30.07.2014. While the suit was pending for framing issues, the first respondent filed petition to implead her as one of the defendants. She contended that after death of her husband she is recognised as agent of the school. She also marked Ex.P1 to P5. It revealed that there was dispute between the husband of the

plaintiff as well as the first respondent herein with regards to management of the school. Further there is a dispute in respect of the post of agent of the school.

3. On perusal of the documents also revealed that there are several writ petitions filed between themselves. In such circumstances, passing order in respect of agent of the school would affect the rights of the first respondent herein without impleading her as party to the suit. Therefore, the court below rightly impleaded as as one of the defendants in the suit. As such this Court finds no irregularity or infirmity in the order passed by the court below.

4. Accordingly, the civil revision petition is dismissed. Considering that the suit is of the year 2015, the trial court is directed to dispose of the suit within a period of nine months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed. No order as to costs.

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04.02.2021

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
lok

G.K.ILANTHIRAIYAN,J.

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To

The District Munsif at Nagapattinam.



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