



C.R.P.No.3218 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.R.P.No.3218 of 2022

and C.M.P.Nos.17442 and 17126 of 2022

1. P.N.Shakar

2. Vijayalakshmi

.. Petitioners

Vs.

1. Sri Vidya Mandir Higher
Educational Trust, Uthangarai,
Represented by its Secretary R.P.Rajee
Office at Ramamurthy Nagar,
Katteri, Uthangari.

2. V.Chandrasekar

3. R.P.Rajee

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, pleased to set aside the docket order dated 29.07.2022 made in I.A.No.01 of 2022 in O.S.No.unnumbered of 2022 on the file of the learned Principle District Judge, Krishnagiri.

For Petitioners : Mr.V.Karthikeyan

ORDER

The Civil Revision Petition is filed challenging the docket order dated 29.07.2022 passed by the learned Principle District Judge, Krishnagiri in

I.A.No.1 of 2022.

<https://www.mhc.tn.gov.in/judis>



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WEB COPY 2. The petitioners herein filed a suit under Section 92 of Civil Procedure Code for framing of scheme and to remove 60 trustees. The petitioners filed a petition seeking leave of the Court to institute the suit under Section 92 in I.A.No. 1 of 2020 and they also prayed for appointment of Administrator and also an order restraining the defendants from misusing the trust funds. By impugned order, the Court below ordered fresh paper publication.

3. The learned counsel for the petitioners submitted that all the respondents are already represented by Advocates and the respective Advocates had filed their vakalat on 29.07.2022 and in such circumstances there is no need for fresh paper publication. Since suit is concerning administration of trust, probably, the Court below might to have thought it would be appropriate to issue paper publication to put all interested persons on notice.

4. It is always open to the petitioners to file an appropriate application before the Court below to recall the order by contending that in view of the fact all the respondents are represented by counsel, Paper publication is not at all necessary. If in the opinion of the Court the fresh paper publication is not necessary it can always recall its order for paper publication. Instead of availing



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the remedy available before the Court below, the petitioners are not entitled to file a revision under Article 227 of the Constitution of India. Therefore, the Civil Revision Petition is dismissed, granting liberty to the revision petitioners to file an appropriate application before the Court below for recalling the order passed by the Court for fresh paper publication, by pointing out all respondents are represented by counsel. The court below may dispose of such application by passing a reasoned order.

5. With this liberty, this Civil Revision Petition stands dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

12.10.2022

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Index: Yes/ No

Internet : Yes / No

To

The learned Principle District Judge,
Krishnagiri.



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S.SOUNTHAR, J.

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