



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2022

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P (MD) Nos. 2459 & 2460 of 2017

and

C.M.P (MD) Nos. 11665 and 11666 of 2017 & 600 and 601 of 2018

1.The Registrar,
Bharathidasan University,
Palkalaiperur,
Tiruchirappalli.

2.The Controller of Examinations,
Bharathidasan University,
Palkalaiperur,
Tiruchirappalli.

... Revision Petitioners/
Respondents 1 & 2/
Respondents 1 & 2
(in both CRPs)

Vs.

1.S.Muthuvel

2.The Principal,
H.H.The Rajah's College,
Pudukkottai.

... 1st Respondent/
Petitioner/
Petitioner
(in both CRPs)

... 2nd Respondent/
3rd Respondent/
3rd Respondent
(in both CRPs)

PRAYER in CRP (MD) .No.2459 of 2017 : Civil Revision Petition is filed under Article 227 of Constitution of India as against the order, dated 25.04.2017, C.C.No.29 of 2015 on the file of the learned District Consumer Disputes Redressal Forum, Pudukkottai District.

PRAYER in CRP (MD) .No.2460 of 2017 :

Civil Revision Petition filed Under Article 227 of Constitution of India to call for the entire records relating to the proceedings filed in E.P.No. 5 of 2014 in C.C.No.29 of 2015 on the file of the District Consumer Disputes Redressal Forum, Pudukkottai District and strike off the same and pass such other or further orders as this



Hon'ble Court may deem fit and proper in the facts and circumstances of the case and thus render Justice.

For Petitioners : Mr.VR.Shanmuganathan

For R-1 : Mr.S.Vijayakumar

For R-2 : No appearance

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ORDER

The present Revision Petition has been filed challenging the order passed in the execution proceedings. The first respondent herein filed a consumer complaint before the District Consumer Disputes Redressal Forum, Pudukkottai District, alleging that his graduation certificate was not given to him in time despite several request. The said consumer complaint was partly allowed and directing the respondent University to pay a sum of Rs.15,000/- by way of damages towards deficiency in service and another sum of Rs.5,000/- towards litigation expenses. The said order was put to execution before the District Consumer Disputes Redressal Forum, in E.P.No.5 of 2017 by the first respondent herein. The very filing of the execution petition was challenged before this Court in the above said revision, on the ground that the student cannot be considered to be a consumer of the University and hence, the Consumer Protection Act is not applicable in the facts and circumstances of the case.

2. The learned Counsel for the respondent/student submits that after filing of the revision petition, the university has chosen to file a regular appeal in A.P.No.136 of 2018 before the State Consumer Disputes Redressal Forum at Madurai Bench. In view of the revision petitioners choosing the effective and efficacious alternative remedy of filing a regular appeal, as against the order passed by the District Consumer Disputes Redressal Forum, I find that nothing survives in the revision petition. Hence, both these revision petitions stand dismissed. However, dismissal of the revision shall not in any way affect the contentions of the University in the regular appeal. Both the revisions are dismissed. The dismissal of the revision against the award will not affect the contentions of the university in the first appeal. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

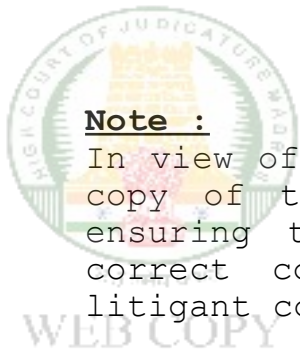
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/ /2022

Sub Assistant Registrar(CS)

btr

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



Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The District Consumer Disputes Redressal Forum,
Pudukkottai District.

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

C.R.P (MD) Nos. 2459 & 2460 of 2017
06.04.2022

CK (CO)

RK (22/04/2022) 3P 4C