



C.R.P.(MD).No.1241 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

C.R.P.(MD)No.1241 of 2019

and

C.M.P(MD) No.6888 of 2019

Arockia Rajeswari

... Petitioner/8th Defendant

-VS-

1. Ragini Stellabai

... 1st Respondent/Plaintiff

2. Thoothukudi Catholic Diocese,
Through its Procurator,
Catholic Parsonage Illam
Thoothukudi District.

3. Manager of RC School,
Catholic Diocese,
Catholic Parsonage Illam,
Thoothukudi Diocese,
Thoothukudi.

4. Thoothukudi Catholic Diocese,
Sattankulam Parish,
Through its Sathankulam Parish Priest,
Sathankulam Taluk,
Thoothukudi District.



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5. St. Joseph Girls Higher Secondary School,
Sathankulam,
Through its Correspondent,
Sathankulam Taluk,
Thoothukudi District.

6. The District Educational Officer,
Thoothukudi District,
Thoothukudi.

7. The Chief Educational Officer,
Thoothukudi District,
Thoothukudi.

8. The State of Tamil Nadu
Through its District Collector,
Thoothukudi.

... Respondents 2 to 8/Defendants 1 to 7

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to strike off the plaint in O.S.No.322 of 2017 on the file of the Principal District Munsif, Tiruchendur.

For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.M.P.Senthil – for R1
: Mr.V.John Kennedy
for M/s. Father Xavier Associates
for R2 to R5

: Mr.M.Senthil Ayyanar
Government Advocate – for R6 to R8



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ORDER

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The present Civil Revision Petition has been filed by the petitioner under Article 227 of the Constitution of India, to strike off the plaint in O.S.No.322 of 2017 on the file of the Principal District Munsif, Tiruchendur.

2. The petitioner herein is the 8th defendant. The first respondent herein is the plaintiff and the respondents 2 to 8 are the defendants 1 to 7 before the Court below.

3. For the sake of convenience, the parties will be referred to as per the litigative status before the trial Court.

4. The learned counsel for the petitioner would submit that the very suit is barred under Tamil Nadu Private School (Regulation) Act, 1973.

5. However, the learned counsel for the respondent would submit that the application has been filed belatedly and the suit is in the advance stage and it is posted for respondents/defendants side arguments on 07.09.2023.



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6. Considering the peculiar circumstances of the case and considering the facts that the suit is in the advance stage, this Court do not want to go into the disputed aspect at this stage and the defence of both parties are left open to be adjudicated before the Court below.

7. In the result, this Civil Revision Petition is **disposed of**. Considering the pendency of the case since 2017, this Court deems it appropriate to give a direction to the Court below for an early disposal.

8. The Court below is directed to dispose of the suit in O.S.No.322 of 2017 as expeditiously as possible, preferably within a period of one month from the date of receipt of the copy of this order. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

07.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Principal District Munsif,
Tiruchendur.
2. The District Educational Officer,
Thoothukudi District,
Thoothukudi.
3. The Chief Educational Officer,
Thoothukudi District,
Thoothukudi.
4. The State of Tamil Nadu
Through its District Collector,
Thoothukudi.



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C.KUMARAPPAN,J.

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