



WEB COPY



W.A.(MD)No.1876 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.(MD)No.1876 of 2023

and

C.M.P.(MD)No.14344 of 2023

1.Vincent Jeyakumar
2.Gurusubramanian

... Appellants

Vs.

1.V.O.C.Matriculation School,
Educational Society,
Paramakudi, Ramanathapuram District,
Rep. by its Correspondent / Secretary (In – Charge),
M.S.Sundarasan

2.The District Registrar (Administration),
O/o. The District Registrar,
Thiruppathur Road, Sivagangai District.

...Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed in W.P.(MD)No.24061 of 2019, dated 20.06.2023 on the file of this Court.



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For Appellants : Mr.M.S.Suresh Kumar,
For Mr.R.Velmurugan
For R2 : Mr.S.Kameswaran, Government Advocate

JUDGMENT

(Judgment of the Court was delivered by ***S.M.SUBRAMANIAM, J.***)

This Writ Appeal has been instituted mainly attacking the issues framed by the learned Single Judge in paragraph No.12 of the order dated 20.06.2023 made in W.P.(MD)No.24061 of 2019, which is under challenge in the present Writ Appeal.

2.The learned counsel appearing for the appellants mainly contended that the Writ Court has usurped the powers of the civil Court, which would cause prejudice to the interest of the parties, while dealing with the disputed issues before the competent civil Court in O.S.No.51 of 2019 on the file of the Sub Court, Paramakudi on merits.

3.Though we are of the opinion that the issue of civil in nature is to be framed by the competent civil Court in the manner contemplated under the Code



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of Civil Procedure, we are not inclined to set aside the order, since it is only in the form of suggestion and it is for the civil Court to independently frame the issues with reference to the disputed facts between the parties and conduct trial in the civil suit instituted in O.S.No.51 of 2019. Thus, the civil Court has to proceed with the suit uninfluenced by the observations made by the learned Single Judge in the order impugned dated 20.06.2023. It is for the parties to adjudicate the issues independently based on the documents and evidences as well as on merits.

4. With the above observation, this Writ Appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (V.L.N., J.)

30.10.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To
The District Registrar (Administration),
O/o. The District Registrar,
Thiruppathur Road, Sivagangai District.

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