



CRP(MD).No.390 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2023

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

CRP(MD).No.390 of 2023

and

C.M.P(MD).No.1904 of 2023

1.Udhayanan

2.Shanmugaprabha

3.Vivega

.. Petitioners/Petitioners/Appellants

Vs.

1.Chandirasekarapandiyani

2.Pandiyarani

3.Mathialagi

4.Anbalagi

5.The Assistant Elementary Educational Officer,
Kelappavur, Pavuchathiram Main Road,
Tenkasi Taluk.

6.The District Educational Officer,
SN High Road,
Tirunelveli.

7.The District Collector,
Kokriakulam, Tirunelveli District.

... Respondents/Respondents/Respondents

PRAYER : Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 06.08.2022 passed in I.A.No.1 of 2021 in A.S.No.88 of 2018 on the file of the Additional District Court (Fast Track Court), Tenkasi.



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For Petitioners : Mr.V.Meenakshisundram

ORDER

The present revision petition has been filed by the appellants in the first appeal challenging an order passed by the First Appellate Court dismissing an application under Rule 76 of Civil Rules of Practice.

2. The revision petitioners herein had filed O.S.No.108 of 2012 for the relief of partition, separate possession and permanent injunction and had further prayed for framing a scheme for administering the School by way of a turn system. The said suit was dismissed. Challenging the same, the plaintiffs had filed A.S.No.88 of 2018 on the file of the Additional District Court(Fast Track Court), Tenkasi. While the appeal was pending from the year 2018 onwards, an application in I.A.No.1 of 2021 was filed by the appellants/plaintiffs to send for certain documents from the Block Educational Officer. The said application came to be dismissed. Challenging the same, the present revision petition has been filed.



3. According to the learned counsel for the petitioners, these documents are very much essential to establish the case of the plaintiffs.

Though the plaintiffs have made an attempt to get these public documents, the Educational Authorities have refused to furnish these details under the Right to Information Act. Hence, left with no other remedy, the petitioners/plaintiffs had filed the present application under Rule 76 of Civil Rules of Practice.

4. The First Appellate Court after considering the application has arrived at finding that the said application has been very belatedly, that too, in the appellate stage and dismissed the said application.

5. I have heard the learned counsel appearing for the petitioners.

6. The present suit is for partition and consequential permanent injunction. The plaintiffs have further prayed for framing a scheme for administering the school on turn system. The petitioners were not successful before the trial Court and they have filed the first appeal. Pending the first appeal, the petitioners seek permission of the Court



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under Rule 76 of the Civil Rules of Practice to call for certain documents from the Block Educational Officer relating to the approval granted to the Educational Agency by the authorities concerned. Any approval granted by the Educational authorities is not going to decide the rights of the plaintiffs to seek turn system or partition in the said suit. Therefore, the said document is not vital for deciding the said issue. That apart, the application has been filed four years after the appeal was filed. I do not find any merits in the revision. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

16.02.2023

Index : Yes / No

Internet : Yes / No

Rmk

To

The Additional District Judge (Fast Track Court), Tenkasi.

R.VIJAYAKUMAR ,J.,



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Rmk

Order made in
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