



WEB COPY



C.R.P.No.1718 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.1718 of 2017
and C.M.P.No.8136 of 2017

1.The Parents Teachers Association
Rep. by its Secretary G.Sadasivan
Thiyagi N.G.Ramasamy Memorial,
Higher Secondary School,
Kamarajar Road, Varatharajapuram,
Coimbatore – 641 015

2.Sri G. Sadasivan .. Petitioners

Versus

1.T.S.Rajamani
2.Thiyagi N.G.Ramasamy Memorial Trust,
Rep. by its General Secretary in Charge,
Mr.G.Manoharan .. Respondents
(R2 substituted vide court
order dated 03.07.2023 made
in CMP.No.18439 of 2022)

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to struck off the plaint in O.S.No.453 of 2017 pending on the file of the learned Principal District Munsif Court, Coimbatore.

For Petitioners : Mr.Jaganathan for
Mr.S.Venkatesh



C.R.P.No.1718 of 2017

For Respondent 1 : Mr.R.Selvakumar

WEB COPY

ORDER

This civil revision petition challenges the plaint in O.S.No.453 of 2017 on the file of the learned Principal District Munsif, Coimbatore.

2. O.S.No.453 of 2017 is a suit which seeks the relief of permanent injunction restraining the defendants 1 and 2, from preventing free ingress and egress of the plaintiff and the plaintiff school committee in order to function day to day activities in the suit schedule mentioned property.

3. The petitioners alleged that the District Educational Officer, Coimbatore had rejected the prayer of the plaintiff on 03.10.2015 and therefore, the present suit for injunction is not maintainable. Their main plea is that the District Educational Officer has not been impleaded as a party to the suit. According to them, in case the District Educational Officer has not been impleaded, it amounts to non-joinder of necessary parties and consequently, the suit has to be rejected.



C.R.P.No.1718 of 2017

WEB COPY

4. I have heard Mr.Jaganathan for Mr.Venkatesh for the petitioners and Mr.Selvakumar for the first respondent.

5. In terms of Order I Rule 9 of the Code of Civil Procedure, no suit should be defeated on account of the fact that a party has not been impleaded as a party to the proceedings.

6. The case of the plaintiff is that it is only the civil revision petitioners who are interfering with their possession and therefore, he came forth with the suit.

7. Insofar as the order passed by the District Educational Officer is concerned, I find that the said order was upheld by my brother Mr.Justice G.K.Ilanthiraiyan in W.P.No.2362 of 2016 etc., batch on 10.07.2024. The learned Judge has also directed a special officer to take over the management of the institution. In case, the petitioners feel that the suit is not maintainable, it is up to them to file an application under Order VII Rule 11 of the Code of Civil Procedure seeking for rejection of plaint.



C.R.P.No.1718 of 2017

WEB COPY

8. Since several suits are pending, the learned Principal District Judge shall transfer O.S.No.453 of 2017 on the file of the learned Principal District Munsif at Coimbatore to be heard and tried along with first of the suits.

9. With the above direction, this civil revision petition is dismissed.
No costs. Consequently, the connected miscellaneous petition is closed.

13.11.2024

nl

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no



WEB COPY



C.R.P.No.1718 of 2017

To

The Principal District Munsif Court, Coimbatore



WEB COPY



C.R.P.No.1718 of 2017

V.LAKSHMINARAYANAN, J.

nl

C.R.P.No.1718 of 2017

13.11.2024