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A.S.(MD)No.35 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 02.08.2024

PRONOUNCED ON : 15.10.2024

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

A.S.(MD)No.35 of 2024

and

C.M.P.(MD)No.2130 of 2024

1.Mathavi @ Malathi Sherin
2.V.Sherin
3.V.Rajarajeswari

...Appellants

Vs.

1.V.Rajarajan
2.V.Manonmani
3.V.Senthil Devi
4.V.Sudhakar
5.V.Shanthakumari
6.R.Sujatha

7.The Director,
Directorate of Matriculation Schools,
DPI Campus, College Road,
Chennai-600 006.

8.The Chief Educational Officer,
Dindigul 624 001.

9.The District Educational Officer,
Dindigul 624 001.



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10. The Block Educational Officer,
Dindigul 624 001.

11. The Registrar,
Tamil Nadu Teachers Education University,
Chennai-600 097.

12. The Deputy Director,
District Town and Country Planning,
No.14-Vivekananda Nagar,
Dindigul 625 011.

13. The Tahsildar,
Dindigul East,
Dindigul District 624 003.

14. The Inspector of Police,
Vadamadurai Police Station,
Vadamadurai,
Dindigul District 624 709.

15. The Station Officer,
Vedasandur,
Dindigul District 624 710.

16. The Manager,
Tamil Nadu Mercantile Bank,
Salai Road Branch,
Dindigul – 624 001.

...Respondents

(R7 to R16 are suo motu impleaded by this
Court, vide this order, dated 15.10.2024)

PRAYER: This Appeal Suit filed under Section 96 read with Order 24 Rule (1) of C.P.C., to against the order, dated 04.01.2024, made in I.A.No.1 of 2023 in O.S.No. 213 of 2021 on the file of the Additional District Court (Special Court for SC/ST



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Cases), Dindigul.

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For Appellants : Mr.S.R.Suresh Kumar
For R1 to R6 : Mr.H.Lakshmi Shankar
For R7 to 13 & 15 : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.V.Om Prakash
Government Advocate
For R14 : Mr.S.Kottaichamy
Government Advocate
For R16 : Mr.N.Dilip Kumar

JUDGMENT

The present appeal suit is preferred by plaintiffs against the order, dated 04.01.2024, passed in I.A.No.1 of 2023 in O.S.No.213 of 2021 on the file of the Additional District Court (Special Court for SC/ST Cases), Dindigul.

2. The suit in O.S.No.213 of 2021 was filed to direct the 4th and 6th defendants to pay damages of Rs.11,00,000/-, then for declaration to declare the 1st plaintiff is the Managing Trustee of Victory Educational Trust who was elected on 25.06.2021 by the Board of Trustees, consequential permanent injunction, to declare the Supplementary Trust Deed registered as Document No.9 of 2021, dated 04.06.2021 as null and void.



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3. The defendants had filed I.A.No.1 of 2023 for rejection of plaint under Order 7 Rule 11 of CPC and the same was allowed. Aggrieved over the same, the plaintiff had preferred the present Appeal Suit before this Court.

4. Pending appeal, the parties have entered into compromise and have filed a joint compromise memo. The claim between the parties is regarding an Educational Institution. Based on the joint compromise memo the consequential orders ought to be passed by the concerned authorities namely the revenue authorities, educational authorities, bank etc. Further, in the terms of compromise, the said authorities are mentioned as parties 7 to 16. Therefore, this Court suo motu impleading the parties 7 to 16 in the joint compromise memo as respondents 7 to 16 in the present Appeal Suit. The respective authorities shall pass consequential orders as per the terms of compromise. The respondents 5 and 6 have signed as witness in the joint compromise memo.

5. In the terms of compromise, 'A party' has to form a new Trust and the same is referred as "unnamed trust" in the terms of compromise. After naming the Trust the 'A party' is at liberty to mention the same before this Court, so as to incorporate the name in the terms of compromise.



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6. The said joint compromise memo shall form part and parcel of the judgment and decree including the 'colour sketch' which is annexed along with the compromise memo.

7. With the above said directions, the appeal suit is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

15.10.2024

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

Tmg

To

1. Additional District Court
(Special Court for SC/ST Cases), Dindigul.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.
3. The Director,
Directorate of Matriculation Schools,
DPI Campus, College Road,
Chennai-600 006.

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- 4.The Chief Educational Officer,
Dindigul 624 001.
- 5.The District Educational Officer,
Dindigul 624 001.
- 6.The Block Educational Officer,
Dindigul 624 001.
- 7.The Registrar,
Tamil Nadu Teachers Education University,
Chennai-600 097.
- 8.The Deputy Director,
District Town and Country Planning,
No.14-Vivekananda Nagar,
Dindigul 625 011.
- 9.The Tahsildar,
Dindigul East,
Dindigul District 624 003.
- 10.The Inspector of Police,
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