

**IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE,
COIMBATORE.**

**Present: Tmt. G. VIJAYA, B.A., M.L., PGDCFS,
Principal District Judge, Coimbatore.**

Tuesday, this the 22nd day of July, 2025

I.A.No.2/2024 in O.S.No.348/2017

The Parents Teachers Association

Thiyagi N.G.Ramasamy Higher Secondary School

Rep. by its President

... Petitioner / Proposed Party to be
impleaded as 9th defendant in
the suit

//vs//

1. R.K.Devaraj

Life Trustee Thiyagi N.G.Ramasamy Memorial Trust

2. S. Paulraj

Life Trustee Thiyagi N.G.Ramasamy Memorial Trust

... Respondents / Plaintiffs

3. A. Subramaniam (died)

Life Trustee Thiyagi N.G.Ramasamy Memorial Trust

4. A. Sivakumar

Life Trustee Thiyagi N.G.Ramasamy Memorial Trust

5. Thiyagi N.G.Ramasamy Memorial Trust,

Rep. by its Life Trustee & President

A.Ramasamy

6. Thiyagi N.G.Ramasamy Higher Secondary School,

Rep. by its Head Master

7. The Coimbatore District Textile Worker's Union

Rep. by its President Rajamani

8. The District Education Officer,

Coimbatore.

9. The Chief Educational Officer,
Coimbatore.

10. The Coimbatore District Collector,
Coimbatore.

... Respondents / Defendants

This petition came on 09-07-2025 for hearing before this Court in the presence of **Thiru.D.Arjunan**, Advocate for the petitioner, **Thiru.S. Ma Se Thung and M.Periyasamy**, Advocates for the respondents No.1 and 2 and the respondents No.3 to 6 and 8 having been called absent and set exparte, and **Thiru.Sriram**, Advocate for the 7th respondent upon hearing both sides arguments, perusing petition, counter and other relevant records, having stood over for consideration till this date, this Court made the following:

ORDER

This is an application filed by the petitioner / proposed party, under Order 1 Rule 10 of CPC, praying to implead the petitioner as 9th defendant in the main suit.

2. **In the affidavit filed in support of the petition, the petitioner has stated the following averments:-**

(i) The petitioner is the proposed party in the above said suit to be impleaded as 9th defendant. The petitioner's part is most important over the welfare of students, teachers, school workers and development of Thiyagi N.G.Ramasamy Higher Secondary School. It is well settled law that as per Private School

Regulation Act, 1973, and Rule 1974, there must be committee in every school containing Parents Teachers Association.

(ii) Petitioner Association is functioning in the school campus and they are conducting meetings then and there in order to develop the school.

(iii) The 1st respondents have filed the suit against the 2nd respondents, seeking for declaration and permanent injunction. The 4th defendant is the Headmaster of the school. The plaintiffs have filed this suit against the defendants without adding the petitioner in the main suit. The plaintiffs have colluded with defendants and get order from this Court without the knowledge of the petitioner association. If the plaintiffs will get any order against the school, students and teachers future will be spoiled.

(iv) The respondents are colluding together and created forged Trust Deed and trying to grab the school properties. Hence, the petitioner association have filed the case against the 2nd respondents and others in O.S.No.1318/2015 which is pending before the learned I Additional District Munsif, Coimbatore.

(v) The plaintiffs have not taken any steps to implead the petitioner association in this main suit proceedings, since they are colluding with defendants and for proper adjudication. The petitioner is the necessary party to

the suit proceedings. For the proper adjudication, this petitioner has to be impleaded as party to the suit proceedings. Further the defendants No.1, 2, 3 and 5, taking advantage of the pendency of the suit proceedings, causing too much trouble to not only to the petitioner but also development of the school. Hence, prays to allow the petition.

3. The learned counsel for the respondents No.1 and 2 have made an endorsement on the petition stating “no counter”. The respondents No.3 to 6 and 8 having been called absent and set exparte.

4. Denying the entire averments contained in the affidavit as false, fictitious and misleading submission, the learned counsel for the 7th respondent filed counter. In the counter, it is contended that the petitioners have filed the present petition with a view to drag on the suit proceedings. In pursuant to the issue of the G.O.No.81 (Standing) of the Government, dated 27-04-2018, there is no existence of such body in the school. The said body does not possess any statutory right to important over the welfare of students, teachers, school workers development of Thiyagi N.G.Ramasamy Higher Secondary School as alleged and when there is no survival of such body, it is an unnecessary party to the proceedings. The original suit is subject to the order of this Court in I.A.No.961/2015, where in the petitioner was provided with an opportunity on public notice to make their attendance / appearance in the interest of the public

charitable trust matter. The petitioner is no way connected with the Trust matters. The only intention of the petitioner is to drag on the proceedings. The initiation of this application without any locus either on facts or by law to establish as their body is holding rights over the school properties or on the part of right to manage the Private School, where in which this respondent is alone the educational agency i.e., the registered Trade Union holding immune powers, and hence, this petition is liable to be dismissed.

5. **The point that arises for consideration in this petition is that;** whether the petitioner has to be impleaded as 9th defendant in the main suit or not?

POINT:-

6. On the side of the petitioner, two documents have been marked as Ext.P-1 and Ext.P-2 by consent.

7. **This Court has considered the submissions of both sides and perused the records.**

8. This petition has been filed by the petitioner / proposed party, under Order 1 Rule 10 of CPC, praying to implead the petitioner as 9th defendant in the main suit.

9. The learned counsel for the petitioner would contend that the petitioner's part is most important over the welfare of students, teachers, school workers and development of Thiyagi N.G.Ramasamy Higher Secondary School. The learned counsel would further contend that it is well settled law that as per Private School Regulation Act, 1973, and Rule 1974, there must be committee in every school containing Parents Teachers Association. The learned counsel would further contend that petitioner Association is functioning in the school campus and they are conducting meetings then and there in order to develop the school. The learned counsel would further contend that the 1st respondents have filed the suit against the 2nd respondents, seeking for declaration and permanent injunction. The 4th defendant is the Headmaster of the school. The plaintiffs have filed this suit against the defendants without adding the petitioner in the main suit. The learned counsel would further contend that the plaintiffs have colluded with defendants and get order from this Court without the knowledge of the petitioner association and if the plaintiffs will get any order against the school, students and teachers future will be spoiled. The learned counsel would further argue that the respondents are colluding together and created forged Trust Deed and trying to grab the school properties. Hence, the petitioner association have filed the case against the 2nd respondents and others in O.S.No.1318/2015 which is pending before the learned I Additional District Munsif, Coimbatore. The learned counsel would further argue that the plaintiffs have not taken any steps to implead the petitioner association in this

main suit proceedings, since they are colluding with defendants and for proper adjudication and the petitioner is the necessary party to the suit proceedings and the defendants No.1, 2, 3 and 5, taking advantage of the pendency of the suit proceedings, causing too much trouble to not only to the petitioner but also development of the school and prays to allow the petition.

10. The learned counsel for the 7th respondent would argue that the petitioners have filed the present petition with a view to drag on the suit proceedings and in pursuant to the issue of the G.O.No.81 (Standing) of the Government, dated 27-04-2018, there is no existence of such body in the school. Since said body does not possess any statutory right over the welfare of students, teachers, school workers development of Thiyagi N.G.Ramasamy Higher Secondary School as alleged and when there is no survival of such body, it is an unnecessary party to the proceedings. The original suit is subject to the order of this Court in I.A.No.961/2015, where in the petitioner was provided with an opportunity on public notice to make their attendance / appearance in the interest of the public charitable trust matter. The petitioner is no way connected with the Trust matters. The only intention of the petitioner is to drag on the proceedings. The initiation of this application without any locus either on facts or by law to establish as their body is holding rights over the school properties or on the part of right to manage the Private School, where in which

this respondent is alone the educational agency i.e., the registered Trade Union holding immune powers, and hence, this petition is liable to be dismissed.

11. This Court has given its anxious consideration on the rival contentions of both the parties. The respondents No.1 and 2 have filed the main suit, seeking the relief of relief of declaration and permanent injunction. The petitioner who is the Parents Teachers Association has filed the present petition, implead the said association as 9th defendant in the main suit.

12. It is the case of the petitioner that, the petitioner Association is functioning in the school campus and they are conducting meetings then and there in order to develop the school. Without adding the petitioner as a party, the respondents No.1 and 2 have filed the suit, seeking the relief of declaration and permanent injunction. It is the further case of the petitioner that, the plaintiffs have colluded with defendants and get order from this Court without the knowledge of the petitioner association and if the plaintiffs will get any order against the school, students and teachers future will be spoiled. Further the petitioners would allege that the parties to the suit colluded each other and created forged Trust Deed and trying to grab the school properties. Hence, the petitioner association have filed the case against the 2nd respondent and others in O.S.No.1318/2015 which is pending before the learned I Additional District

Munsif, Coimbatore. It is the further case of the petitioner that, the petitioner association is the necessary party to decide the main suit.

13. Whereas, the contention of the 7th respondent herein is that, the Petitioner herein is unnecessary party to the present proceedings. The main suit has been instituted as per the order passed by this Court in I.A.No.961/2015, where in the petitioner was provided with an opportunity on public notice to make their attendance / appearance in the interest of the public charitable Trust matter. The petitioner association is no way connected with the Trust matters and with a view to drag on the proceedings, the petitioner has filed the present petition and prays to dismiss the petition.

14. On perusal of records, it appears that the main suit is filed by the respondents No.1 and 2, seeking the relief of relief of declaration and permanent injunction. The main suit depends upon the Trust Deed and Supplementary Deed. Though the petitioner who is the Parents Teachers Association alleges that the respondents collusively created and forged the Trust Deed. However, as rightly pointed out by the 7th respondent, as per order passed in I.A.No.961/2015, suit was numbered and the main suit posted for trial. During the pendency of I.A.No.961/2015, the present petitioners did not raise any objection despite public notice given. Further, though the petitioner allege that as per Private School Regulation Act 1973 Rule 1974, there must be a

committee in every school containing parents teachers' association, however, the 7th respondent states that in pursuant of issuance of G.O.No.81 (Standing), dated 27-04-2018, there is no existence of such body in this school, which was not rebutted by the petitioner. Further, in order to decide the main issue involved in the suit, the present petitioners are neither proper party nor necessary party. After taking into consideration of all the above said aspects, this Court is of the considered view that the petitioner is neither a necessary party nor a proper party to be impleaded in the main suit. Point is answered accordingly.

In the result, this petition is dismissed. No costs.

This order is dictated to steno-typist directly, typed by her in computer, corrected and pronounced by me, the order in open Court, on this the 22nd day of July, 2025.

PRINCIPAL DISTRICT JUDGE,
COIMBATORE.

LIST OF DOCUMENTS MARKED

On the side of the petitioner:- (by consent)

Ext.P-1	27-09-2023	Photocopy of the plaint in O.S.No.1318/2015
Ext.P-2	27-04-2018	Photocopy of the G.O. (Standing) No.81

On the side of the respondents:

NONE

PRINCIPAL DISTRICT JUDGE,
COIMBATORE.

Draft Order in
I.A.No.2/2024 in
O.S.No.348/2017
Dated:22-07-2025.