

ITEM NO.22

COURT NO.5

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 33900/2017

(Arising out of impugned final judgment and order dated 11-10-2017 in CR No. 131/2017 passed by the High Court Of M.P. Principal Seat At Jabalpur)

ST. JOSEPH CONVENT SENIOR SECONDARY SCHOOL RATLAM Petitioner(s)

VERSUS

BETTY JULIUS & ORS.

Respondent(s)

(FOR ADMISSION and IA No.133477/2017-EXEMPTION FROM FILING O.T.)

Date : 09-01-2018 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE AMITAVA ROYFor Petitioner(s) Mr. Jose Abraham, AOR
Mr. M. P. Srivignesh, Adv.
Mr. Blessen Mathews, Adv.
Ms. Sarah Shaji, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

In the nature of the order we propose to pass, we do not think it necessary to issue notice to the respondents.

The application filed by the petitioner under Order 7 Rule 11 of the Code of Civil Procedure has been rejected with a direction to file the written statement by the first defendant. It is open to the first defendant to take the contention regarding the maintainability of the suit, among other contentions.

In case such a contention is raised in the written statement, we direct the trial court to frame a preliminary issue regarding the maintainability. Let the written statement be filed within one

month from today and the preliminary issue be decided within two months thereafter.

Needless to say, since it is a preliminary issue, the same will be decided before trying the other issues.

In view of the above, the Special Leave Petition is disposed of.

We make it clear that we have not expressed any opinion on the merits of the matter.

Pending Interlocutory Applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR