

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2015

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

O.S.A.No.151 of 2015
and
M.P.No.1 of 2015

Gunasingh Chelladurai

...

Appellant

vs

1.The Church of South India,
rep. by its Moderator,
CSI Synod Secretariat, CSI Centre,
No.5, Whites Road, Royapettah,
Chennai-600 104.
(being sued for himself and on behalf
of the Members of the Church of South India)

2.Rev.Dr.D.R.Sadananda,
General Secretary, CSI Synod,
CSI Centre,
No.5, Whites Road, Royapettah,
Chennai-600 104.

3.Rt.Rev.Ravikumar Niranjana,
Chairman,
Legal Questions Committee of
Church of South India,
No.5, Whites Road, Royapettah,
Chennai-600 104.

4.Rt.Rev.J.J.Christdoss,
Bishop, Tirunelveli Diocese,
Church of South India,
Bishopstow, 16, North Ground Road,
Palayamkottai-627 002,
Tirunelveli District.

5.D.Inbaraj

... Respondents

Appeal filed under Clause 15 of the Letters Patent read with Order XXXVI, Rule 9 of Original Side Rules against the order made in Original Application No.59 of 2015 in C.S.No.36 of 2015. O.A.No.59/2015 preferred this court to pass an order of interim injunction restraining the Respondents 1 to 3 on their againsts or any one claiming under them or through them from interfering with functions of the Applicant as Lay secretary of the Tirunelveli Diocese as per the election conducted on 16/03/2013 pending disposal of the C.S.No.36/2015 permanent Injunction restraining the defendants 1 to 3 or their agents or anyone of claiming under them or through them from interfering with functions of the plaintiff as Lay Secretary of the Tirunelveli Diocese as per the election conducted on 16/03/2013 dt.13/04/2015.

For Appellant .. Mr.R.Muthukumaraswamy
Senior Counsel
for
M/s.A.Edwin Prabakar

JUDGMENT

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

On hearing the learned Senior Counsel for the appellant, we find that the short ground on which the appeal cannot succeed is that the decision communicated vide letter dated 19.12.2014 has not even been assailed seeking the relief of declaration to declare the same as null and void. It is the simpliciter suit for injunction and if that letter still stands, there cannot be a decree for permanent injunction and thus, there cannot be any interlocutory injunction. This is one of the reason which has weighed with the learned Single Judge in dismissing the application for interim relief. In our view, the appellant was required to amend the plaint, if he wanted to succeed on the issue of the validity of that letter/resolution.

2. We are, thus, not inclined to entertain the appeal and the same is dismissed. No costs.

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Asst.Registrar (CS IV)

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Sub Asst. Registrar

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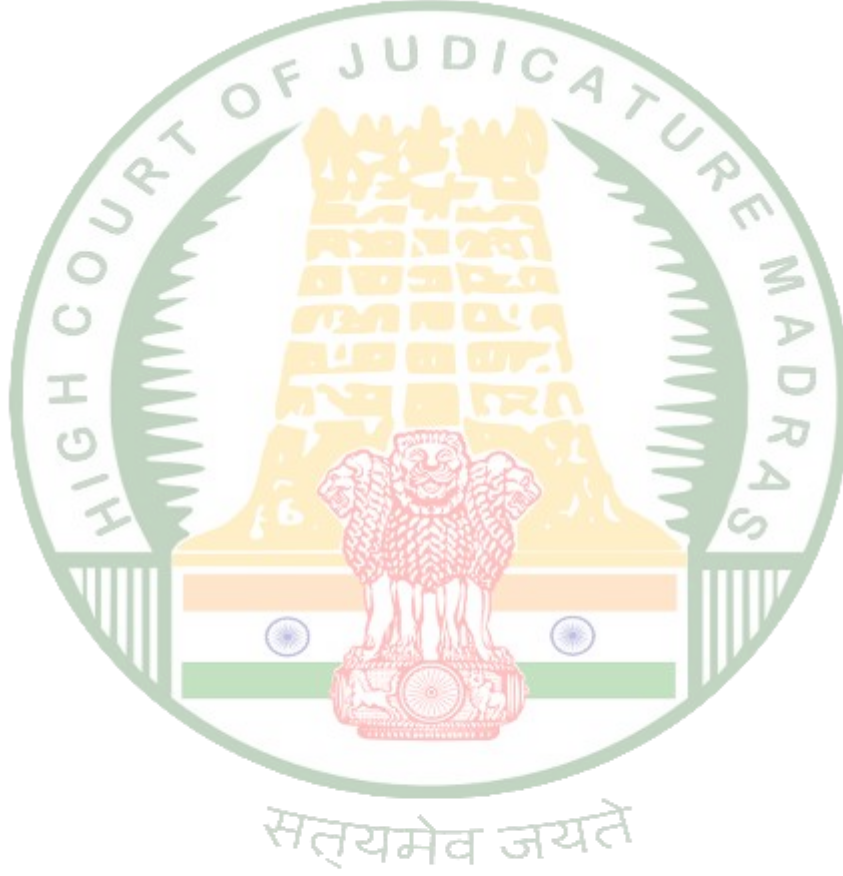
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The Sub Assistant Registrar
Original Side, Madras High Court,
Chennai.

+1 cc to Mr.G.Vasudevan, Advocate, sr.40015
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O.S.A.No.151 of 2015

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