



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2015

CORAM:

WEB COPY

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

C.R.P. (MD) .No.558 of 2015

and

M.P. (MD) .No.1 of 2015

Kanyakumari C.s.I.Diocese,
Rep by the Bishop,
Diocesan Office C.S.I.,
No.71-A, Dennis Street,
Nagercoil-629 001.
Nagercoil Village,
Agastheeswaram Taluk,
Kanyakumari District.

... Revision Petitioner/1st Respondent/
1st Defendant

vs.

1.M/s.Soloman
[in the representative capacity
on behalf of the members of
Kalluvilai CSI Church]

2.Subash Jose ... Respondents 1 & 2/Petitioners/
Plaintiffs

3.Church Board rep.by the
Secretary, Kanyakumari CSI Diocese,

4.The District Minister,
CSI Home Church
Karungal Post,
Midalam Village,
Vilavancode Taluk,
Kanyakumari District.

5.Church Worker,
CSI Church, Kalluvilai.

6.Sam simanraj ... Respondents 3 to 6/Respondents 2 to 5/
Defendants 2 to 5

PRAYER: This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order in I.A.No.71 of 2012 in O.S.No.18 of 2012 dated 15.02.2012 on the file of the Subordinate Judge, Kuzhithurai, Kanyakumari District and allow this civil revision petition.

**ORDER**

The first defendant has filed the revision aggrieved by the order of status quo granted in injunction application in I.A.No.71 of 2012 in O.S.No.18 of 2012 on the file of the Subordinate Court, Kuzhithurai.

2.The learned counsel for the petitioner submitted that the application was posted for final hearing on 14.03.2012 and it was advanced to 21.02.2012. Thereafter, on 15.02.2012, the order of status quo was passed. From 2012 onwards, the matter has been adjourned without any reason by the learned Subordinate Judge, Kuzhithurai.

3.The grievance of the petitioner is that in view of the order of status quo passed in I.A.No.71 of 2012, the plaintiff, who is adhoc the committee, is continuing with the management and the defendants are unable to take any action. This Court cannot under Article 227 of the Constitution of India take up the revision challenging the order passed in I.A.71 of 2012, as the said order is appealable under Order 43 Rule 1 of C.P.C.

4.In the above said circumstances, this Court is inclined to direct the Subordinate Court, Kuzhithurai to pass final order in I.A.No.71 of 2012 after hearing the both parties on or before 30.04.2015.

With the above direction, the civil revision petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(C.O.,)

/True Copy/

Sub-Assistant Registrar

To

The Subordinate Judge, Kuzhithurai.

+1cc to Mr.F.Deepak, Advocate, in SR. No.13355.

C.R.P. (MD) .No.558 of 2015
and M.P. (MD) .No.1 of 2015
18.03.2015

Ns

msm 25.03.2015 p2/3c(IT)