

**IN THE HIGH COURT OF JUDICATURE AT**  
**HYDERABAD**  
**FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA**  
**PRADESH**

-  
**\*\*\*\*\***

**C.R.P.No.2422 of 2015**

Between:

Tadimalla James Varaprasada Babu & others.

-

... Petitioners

and

Transfiguration Lutheran Church, Ramanthapur,  
Hyderabad,

Rep. By its Rev.G.Jeevan Kumar & another.

-

... Respondents

-

DATE OF JUDGMENT PRONOUNCED: 14.08.2015

-

**SUBMITTED FOR APPROVAL:**

-

**HON'BLE SRI JUSTICE R. SUBHASH REDDY**

-

1. Whether Reporters of Local newspapers  
Yes/No

may be allowed to see the Judgment ?

2. Whether the copies of judgment may be  
Yes/No

marked to Law Reporters/Journals ?

-

3. Whether Their Ladyship/Lordship wish to  
Yes/No

see the fair copy of the judgment ?

**HON'BLE SRI JUSTICE R. SUBHASH REDDY**

**CIVIL REVISION PETITION No.2422 of 2015**

-

**ORDER :**

Heard learned counsel for the parties.

This civil revision petition is filed under Article 227 of the Constitution of India, by respondents 2 to 4 in I.A.No.261 of 2015 in P.S.R.O.P.No.10 of 2015, aggrieved by order dated 18.05.2015, passed by the Vacation Civil Judge, City Civil Court, Hyderabad.

The 1<sup>st</sup> respondent herein is the petitioner in the main O.P., which is filed under Section 23 of the Andhra Pradesh Societies Registration Act, 2001, with the following prayer :

“The Petitioner therefore prays that the Hon'ble Court may be pleased to:

- a) Declare the Convention/Election and its process in which office bearers were elected to the Andhra Evangelical Lutheran Church (AELC), during the 78<sup>th</sup> Annual Convention, Central Guntur Synod which took place on 13/04/2015 and 14/04/2015 in which disqualified members i.e. respondent Nos.3 and 4 were elected by tampering the ballot papers highhandedly and by playing fraud and mischief, as contrary to law and the bye-laws of Andhra

Evangelical Lutheran Church, as null & void and as countermanded in the interest of justice and fair play and consequently set aside the same.

- b) grant costs of the Petition and
- c) pass such other relief or reliefs as this Hon'ble court may deem just, fit and proper in the circumstances of the case."

In the said O.P., the impugned *Ad interim* order dated 18.05.2015 is passed in I.A.No.261 of 2015, directing the parties to maintain status quo and it is stated that said order is extended from time to time.

In this civil revision petition, though it is contended by the learned counsel for petitioner that as respondent No.2 is registered in the limits of Guntur District, the Principal District Judge of Guntur alone is having jurisdiction but not the District Judge of City Civil Court at Hyderabad, it is settled law that the question of jurisdiction is always a mixed question of fact and law, which is to be adjudicated by hearing the objections of the parties. In this case, there was no occasion for the trial Court to deal with such objection. As the impugned order of status quo is passed by way of interim measure, it is always open for the petitioner to raise the dispute with regard to jurisdiction by way of filing counter affidavits in the I.A. as well as in the main O.P., but at the same time, I do not find any ground to interfere with the impugned order, at this stage. However, the Court below is directed to dispose of I.A.No.261 of 2015 expeditiously, after filing counter

affidavit by the petitioner herein.

Subject to the above observations, this revision petition is dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

---

**R. SUBHASH REDDY, J**

14<sup>th</sup> August 2015

ajr