

HON'BLE SRI JUSTICE R.SUBHASH REDDY

CIVIL REVISION PETITION No.2553 of 2015

ORDER :

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed by the petitioner/defendant No.1 in the suit, seeking a direction for early disposal of I.A.No.323 of 2015 in O.S.No.299 of 2012 on the file of the I Junior Civil Judge, City Civil Court, Secunderabad, filed under Section 151 of C.P.C., seeking to dismiss the suit in O.S.No.299 of 2012 as infructuous, by following the verdict of Hon'ble Apex Court in SHIPPING CORPORATION OF INDIA VS. MACHADO BROTHERS AND OTHERS, reported in (2004) 11 SCC 168.

2. Respondent Nos.1 and 2/plaintiffs have filed the aforesaid suit in the year 2012 seeking the following reliefs:

- (a) To declare the letter of the 1st defendant dated 9.6.2012 (not served on plaintiffs), issued on the basis of the Resolution of the Executive Committee, dated 24.4.2012 (not served on plaintiffs), on the basis of the alleged recommendations of the Bishops Council, as contrary to the provisions of the Synod Constitution more particularly, Chapter V, Rule 17, Chapter XI Rule 5, 7, 11, 25 & 26, 36, against principles of natural justice and all tenants of Law and consequently to set aside the same.
- (b) To declare the decision of the 2nd defendant dated 10.1.2012, communicated on 25.1.2012, by declaring the elections of Diocese Council of Medak Diocese, as unconstitutional on the basis of the recommendations of the Legal & Marriage Question

Committee, as illegal, arbitrary, contrary to principles of natural justice and as contrary to the Chapter IX of the Constitution of the Church of South India, by declaring the action of the 2nd respondent in referring the Election Dispute of the Medak Diocese Council, to the Legal & Marriage Question Committee, without constituting the Election Commission, as illegal, unconstitutional, contrary Chapter IX (B)(I) Chapter IX of the Constitution of the Church of South India and consequently to set aside the same.

- (c) To restrain the defendants their men, servants or agents from taking charge of the office of Diocese/Institutions/interfering with the day to day affairs of Council of the Medak Diocese, appointing an Administrative Committee to the plaintiffs Diocese to administer the Diocese.
- (d) To grant permanent injunction restraining the defendants, their men, servants or agents from in any manner interfering with the right of the plaintiffs Diocese to administer the Diocese, and its members, till the terms of the 1st plaintiff, and
- (e) For cost of the suit and pass such further or others as this Hon'ble Court may deem fit and proper in the circumstances of the case.

3. From a perusal of the docket proceedings produced before this Court, it is clear that on 03.06.2015, the plaintiffs filed written arguments and the defendants also advanced their arguments and the suit was reserved for judgment. Thereafter, it appears that on a petition filed by the petitioner/defendant No.1, the suit was re-opened. At that stage, the petitioner/defendant No.1 has filed the present I.A.No.323 of 2015 seeking to dismiss the suit in O.S.No.299 of 2012 as infructuous, in view of the subsequent orders passed removing the 1st plaintiff from

service. Alleging that such I.A. is not being taken up for disposal, the 1st defendant has filed the present civil revision petition.

4. Heard Sri L. Prabhakar Reddy, learned counsel for the petitioner/defendant No.1 as well as Sri B. Sudhakar Reddy, learned counsel for respondent Nos.1 and 2/plaintiffs and perused the material on record.

5. It is to be noticed that the suit is of the year 2012. When once the matter is already argued and reserved for judgment, though it is stated that the suit is re-opened on an application filed by the petitioner/defendant No.1, if plaintiff No.1 is already removed from service, it is open for the petitioner/defendant No.1 to lead such evidence and argue the matter, but there is no need to adjudicate on I.A.No.323 of 2015.

6. For the aforesaid reasons, there are no merits in this civil revision petition warranting interference by this Court under Article 227 of the Constitution of India.

7. Accordingly, this civil revision petition is dismissed. Interim order granted by this Court on 06.07.2015 is vacated. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH

REDDY

17.07.2015.

Msr

HON'BLE SRI JUSTICE R.SUBHASH REDDY

-

CIVIL REVISION PETITION No.2553 of 2015

17.07.2015
Msr