

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

L.P.A. No.169 of 2002

C.S.I. Home Church,

Rep. By the Secretary (Tmt.E.G.M.Johnson (died))

James R.Daniel.

(Name of the appellant substituted vide
order of Court dt.30.03.2016 in CMP.

No.5817 of 2016)

... Appellant

-vs-

1.The Philipspuram Pastorate Church

CSI, Rep. By Rev.V.Oliver (deceased).

2.Prof.I.Stalin (Deceased)

3.S.J.Benjamin (Deceased)

4.T.T.Daniel (Deceased)

5.P.C.Arulappa (Deceased)

6.T.Koil Pillai (Deceased)

7.C.Thangammal (Deceased)

8.Y.Davidson

9.Sayed Mohammed

10.S.T.Daniel

11.R.Damodharan

12.The Bishop Rt.G.Christudhas

Kanyakumari Diocese C.S.I.

Kanyakumari District.

13.The Church of South India

Rep. By the Moderator, Madras.

14.The Church of South India

Trust, Rep. By the Honorary Manager,
Madras.

15.The Philipspuram Pastorate Church,

CSI now rep. By Rev.D.John Jebadhas.

16.J.B.Herald Mohan
17.Paul Sundar John
18.J.Paul
19.C.Nesamany
20.Shaji Stalin
21.C.Albert Stalin
22.D.Regina Bai
23.D.Rani Jemina

(RR15 to 23 impleaded vide order of
Court dt.24.02.2016 made in CMP.
No.3079 of 2016)

.. Respondents

Appeal filed under Clause 15 of the Letters Patent against
the order dated 03.04.2002 made in A.S.No.1038 of 1986 on the
file of this Court.

Appeal against the decree of the Subordinate Judge,
Nagercoil in O.S.No.65/1985 dt.22.9.1986.

For Appellant : Mr.V.Selvaraj
For Respondent : Mr.K.Srinivasan, Sr.C.
For Mr.Kingston Jerold for
RR1, 15 to 23
: M/s.Mahalakshmi for R-8
: Mr.K.Vijayakumar for R-12 & R10
: RR 2 to 7 died
: RR 11 and 13 given up
: No appearance for R-9

* * * * *

J U D G M E N T

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

The valuable land seems to have become more important than
the prayer to the God. Two churches are fighting over who
should control the land and the construction thereon. The
dispute is really as to who has the right to recover possession
and rent. These are the appellant and the first respondent.

2.Learned counsel for the parties state that both the
institutions are under the eighth respondent / The Church of
South India (C.S.I.) now. Thus, it is stated that whatever be
the decision of the C.S.I. would be binding on both of them and
they have authorisation to say so.

3.We have put to learned counsel for the eighth respondent
whether the C.S.I. is willing to examine the issue inter se the
parties and take a decision to put an end to this meaningless

litigation. The answer is in the affirmative. It is stated that about two (2) months time is required to take the decision.

4.Learned counsel for the parties agree that the appeal can be disposed of with the direction that the decision of the C.S.I. would be binding on both the appellant and the first respondent to be taken as aforesaid. Both the parties will give full assistance and make available all documents to the C.S.I., which shall be filed within fifteen (15) days from today.

5.Ordered accordingly.

6.Letters Patent Appeal stands disposed of, leaving the parties to bear their own costs.

7.List for compliance on 21.10.2016.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To
The Subordinate Judge,
Nagercoil.

Copy to:
The Section Officer,
Judicial Section,
High Court, Madras.

+1 cc to M/s.S.Kingston Jerold,advocate,sr.44126

+1 cc to M/s.V.Selvaraj,advocate,sr.44341

+1 cc to M/s.P.Mahalakshmi,advocate,sr.44545.

mp(co)
krd 18/8

L.P.A. No.169 of 2002

WEB COPY