



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2016

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

CRP(MD).No.2563 of 2016 and
CMP(MD).No.12080 of 2016

Y. Jeyachandra Sekhar

: Petitioner

Vs.

1. R. Isaac Robi
 2. The Church of South India,
Kanyakumari Diocese
rep. by its Bishop having office at
71A,, Dennis Street, Nagercoil and village
Agastheeswaram Taluk, Kanyakumari Dt.
 3. The Bishop CSI Diocese,
Kanyakumari Diocese having office at 71A Dennis St,
Nagercoil and Village, Agastheeswaram Taluk,
Kanyakumari District.
 4. The District Chairman,
St. Paaul CSI Church,
Kodiyoor, Mulagumoodu Post,
Kalkulam Taluk, Kanyakumari Dt.
 5. The Convenor,
Commissioner for settlement of Election Dispute,
Kodiyoor, Mulagumoodu post,
Kalkulam Taluk, Kanyakumari Dt.
 6. Rev. Justin Devadoss,
Convenor, Local Court having office at Kodiyoor,
Mulagumoodu post,
Kalkulam Taluk, Kanyakumari Dt.
- : Respondents

Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India to call for the records in I.A.No.446 of 2016 in I.A.26 of 2016 in O.S.No.9 of 2016, dated 05.12.2016 on the file of the Principal Subordinate Court, Nagercoil, Kanyakumari District and set aside the same.

For Petitioner : Mr. V.R. Shanmuganathan
for M/s. S. Sumesh

For respondent No.1 : Mr. K. Chellapandian, Senior Counsel
for Mr. K.P. Narayanakumar

O R D E R

This Civil Revision Petition is filed to call for the records in I.A.No.446 of 2016 in I.A.26 of 2016 in O.S.No.9 of 2016, dated 05.12.2016 on the file of the Principal Subordinate Court, Nagercoil, Kanyakumari District and set aside the same.

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2. The petitioner is the third party to the suit in O.S.No.9 of 2016 on the file of the Principal Subordinate Court, Nagercoil, Kanyakumari District.

3. The first respondent filed a suit for declaration that the order setting aside the election held on 01.03.2015 to St. Paul Church, Kodyoor as per communication by 6th defendant in B/1455/2015, dated 29.10.2015 as illegal, void and non est and other consequential relief. He filed the suit in the representative capacity along with injunction application in I.A.No.26 of 2016.

4. According to the petitioner he is a member of C.S.I. St. Paul's Church, Kodyoor and was a Diocesan Council Member for the triennium 2009 to 2012 and to protect the members of the church and Diocesan Council, he is a necessary party to the suit as well as in the injunction petition. The petitioner filed two applications in I.A.Nos. 446 and 447 of 2016 for impleading him as a 10th defendant in suit and 6th respondent in I.A.No.26 of 2016. Both the applications were taken on file and notice was served to all the parties in the suit. The first respondent filed counter affidavit. The learned Judge heard the counsel for the parties on 05.12.2016 and posted the applications in I.A.Nos.446 and 447 of 2016 for orders on 22.12.2016. The learned Judge also posted the I.A.No.26 of 2016 for orders on the same day i.e on 22.12.2016 without impleading the petitioner as a party in the suit in O.S.No.9 of 2016 as well as in I.A.No.26 of 2016. In the circumstances, the petitioner has come out with the present Civil Revision petition for the relief stated supra.

5. The learned counsel for the petitioner submitted that the petitioner is not seeking any relief against the respondents 2 to 6 and notice may be dispensed with against the respondents 2 to 6 and he has also made an endorsement to that effect.

6. The learned Senior Counsel appearing for the first respondent submitted that the first respondent has no objection for impleading the petitioner in the suit as well as in the injunction application as he is the member of the CSI Church, Kodyoor and Mr.K.P. Narayanakumar, learned counsel appearing for the first respondent has also made an endorsement to that effect which reads as follows:-

<https://hcservices.ecourts.gov.in/Hcservices1>st respondent is having no objection to implead petitioner in the party array of suit and injunction IA. Since he is the member of the Kodyur Church, as well as



alleged to have given complaint against Election of Kodiyur Church."

7. The learned Senior Counsel further submitted that the petitioner has filed an application in I.A.Nos.446 and 447 of 2016 for impleading him and the petitioner has taken number of adjournments for more than 15 times and prolonging the matter unnecessarily and prayed for early disposal of the Interlocutory Application in I.A.No.26 of 2016 filed by him for injunction. The learned Senior Counsel further contended that the first respondent and other defendants argued the I.A.No.26 of 2016 for injunction and therefore, direction may be issued to the Court below to dispose the Injunction Application within a short period.

8. I have heard the learned counsel appearing on either side and perused the materials available on record.

9. In view of the above said submission made by the learned Senior Counsel as well as the endorsement made by the learned counsel for the first respondent, the Civil Revision Petition is disposed of impleading the petitioner as party to the suit in O.S.No.9 of 2016 as well as I.A.No.26 of 2016 for injunction.

10. The Court below is directed to carry out the necessary amendment as 10th defendant in the suit in O.S.No. 9 of 2016 and 6th respondent in I.A.No.26 of 2016 in O.S.No.9 of 2016 and thereafter, the learned Principal Subordinate Judge, Nagercoil, Kanyakumari District is directed to dispose the I.A.No.26 of 2016 as expeditiously as possible in any event not later than 09.01.2017. In the mean time it is open to the petitioner to file counter and argue the matter. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar.

To

The Principal Subordinate Judge,
Nagercoil, Kanyakumari District.

+1CC to M/S.S.Sumesh, Advocate, SR.No. 82149

+1CC to M/S.K.P.Narayanakumar, Advocate, SR.No. 82011

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