

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.04.2017

CORAM

THE HONOURABLE Mr.JUSTICE P.KALAIYARASAN

C.S.No.1034 of 2010
and A.No.1229 of 2013

1.St. Peter's Lutheran Church,
Somalapuram
[Via] Ambur 635 802.
Vellore District
Rep. by its President D.Vasudevan

2.T.Martin
3.J.Gideon
4.G.Peter [a] Easwaran
5.M.E.Starwin Surendranath
6.A.Yesu

... Plaintiffs

Vs

1.The India Evangelical Lutheran Church
Rep. by its General Treasurer
Having Registered Office at
No.21, Eldams Road,
Teynampet, Chennai-18.

2.Ambur Synod-IELC,
Rep. by its Secretary,
Mission Compound,
Ambur, Vellore District.

... Defendants

Plaint filed under Order VII Rule 1 of CPC read with Order IV Rule 1 of
Original Side Rules praying to pass a judgment and decree;

(a) Declaring the Elections held for Ambur Synod of IELC between 2.11.2010

and 4.11.2010 and publication of results made on 10.11.2010 by the 2nd defendant herein as illegal, invalid and ultra vires the Constitution of IELC and the Constitution of Ambur Synod of IELC.

- (b) For a permanent injunction restraining the defendants herein, their men, agents, servants or any other person or persons claiming through them or authorised by them from, in any manner acting on the basis of the results of the aforesaid Elections held between 2.11.2010 and 4.11.2010 for the Ambur Synod and discharging any functions, duties, powers etc. on the basis of the results of the aforesaid Elections in the Management and Administration of IELC, Ambur Synod of IELC and its institutions and properties;
- (c) To declare that the election of the 5th defendant dated 07.12.2010 as illegal, null and void and in consequence thereof grant a permanent injunction restraining the 5th defendant from functioning as the President of the 1st defendant namely the India Evangelical Lutheran Church and
- (d) To pay the costs of the suit

For Plaintiffs : Mr.L.Palanimuthu
For Defendants : Mr.C.Uma Shankar for D3

J U D G M E N T

This suit has been filed seeking to declare the elections held for Ambur Synod of IELC between 02.11.2010 and 04.11.2010 and publication of results made on 10.11.2010 by the 2nd defendant herein as illegal, invalid and for ultra vires and also for permanent injunction restraining the defendants and their men from in any manner acting on the basis of the results of the aforesaid Elections and also to declare that the Election of the 5th defendant dated 07.12.2010 as

illegal, null and void.

2. It is represented by the learned counsel for the 3rd defendant that this suit was filed in the year 2010 and elections were held in the subsequent years and the new office bearers also took charge and the same has not been disputed by the learned counsel for the plaintiff.

3. In view of the fact that subsequent elections were held and new office bearers have also taken charge, this suit becomes infructuous.

4. In fine, the suit is dismissed as infructuous. No costs. Consequently, connected application is closed.

17.04.2017

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P.KALAIYARASAN, J.

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