

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 02.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

C.S.No.998 of 2010

1. Congregation of Zion Lutheran Church
Pranthanery
Rep. By its Member
P.Rajesh Alwin

2. D.Davis Martin

3. Congregation of Lutheran Church
Mylakara
Represented by its Pastor
Rev. R.Vijayakumar, Pastor

4. T.P.Aniljose

5. A.R.Shaji

6. A.Vijayakumar ... Plaintiffs

Vs.

1. The India Evangelical Lutheran Church
Rep. By its General Treasurer

2. The Trivandrum Synod – IELC
Rep. By its Secretary

3. The Nagercoil Synod – IELC
Rep. By its Secretary,

4. The Ambur Synod – IELC,
Rep. By its Secretary,

5. The Election Commissioner,
Indian Evangelical Lutheran Church,

21, Eldams Road,
Teynampet,
Chennai – 600 018.

6. The Regional Election Officer,
Trivandrum Synod,
No.321, Lutheran Mission Compound,
K.P. Road,
Nagercoil,
Kanyakumar District – 639 001.

7. The Regional Election Officer,
Nagercoil Synod,
No.321, Lutheran Mission Compound,
K.P. Road,
Nagercoil,
Kanyakumar District – 639 001.

PRAYER : The Civil Suit filed Under Order IV Rule 1 of O.S. Rules read with Order VII Rule of Civil Procedure Code praying for the following reliefs

a. declare the elections conducted by the defendants 5 to 7 as null and void;

b. declare that the elections to the Nagercoil Synod of the 1st defendant is illegal, null and void and grant a consequential Permanent Injunction restraining the 3rd defendant from functioning illegally;

c. declare that the elections to the Trivandrum Synod of the 1st defendant is illegal, null and void and grant a consequential Permanent Injunction restraining the 2nd defendant from functioning illegally;

d. declare that the defendants 2 and 3 are ineligible to vote for the post of the president of the 1st defendant and grant a consequential permanent injunction restraining the defendants 2 and 3 from voting in the election for the president of the 1st defendant;

e. Award damages of Rs.5,00,000/- be paid by defendants 5 to 7 to the plaintiffs

f. grant such other relief as this Hon'ble Court may deem fit under the circumstances

g. grant costs of this suit to the plaintiffs.

For Plaintiffs : Mr.V.Anand

For Defendants : No appearance

J U D G M E N T

The learned counsel for the plaintiff submits that the suit has become infructuous and he has also made necessary endorsement to that effect, which reads as follows :-

"It is submitted that the plaintiffs have informed that the above suit has become infructuous. Hence the suit may be dismissed without costs".

2. Recording the said memo, the suit is dismissed as infructuous. No costs.

02.02.2017

Index:yes/no
Internet:yes
vsi2

C.V.KARTHIKEYAN, J.

vsi2

**Judgment in
C.S.No.998 of 2010**

**02.02.2017
<http://www.judis.nic.in>**