



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Twentieth day of December Two Thousand Seventeen

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PRESENT

The Hon`ble Mr Justice R.MAHADEVAN

REV.APLC(MD) No.118 of 2017 and
CMP(MD)No.5642 of 2017 and
CRP(MD)No.1052 of 2017

1 THE CHURCH OF SOUTH INDIA
KANYAKUMARI DIOCESE REP BY ITS BISHOP HAVING
OFFICE AT 71A, DENNIS STREET,
NAGERCOIL VILLAGE, AGASTHEESWARAM TALUK,
KANYAKUMARI DISTRICT.

2 THE BISHOP,
C.S.I.DIOCESE,
KANYAKUMARI DIOCESE,
HAVING OFFICE AT 71A, DENNIS STREET,
NAGERCOIL VILLAGE, AGASTHEESWARAM TALUK,
KANYAKUMARI DISTRICT.

... PETITIONERS/RESPONDENTS
5 & 6/RESPONDENTS 5 & 6

Vs

1 DR.R.ISAAC ROBI, S/O.LATEC.ROBI
KODIOOR, MULAGUMOODU POST,
NOW AT 23-A/10E21, HIGHLAND AVENUE, SCOTT NAGAR,
VETTOORNIMADAM PO, NAGERCOIL,
AGASTEESWRAM TALUK,
KANYAKUMARI DISTRICT

...RESPONDENT/PETITIONER/ PETITIONER

2 MR.N.RAVI
S/O.D.NESAMONI, RAVI COTTAGE, KOZHIPORVILAI,
THIRUVITHANCODE POST, THIRUVITHANCODE VILLAGE,
KALKULAM TALUK, KANYAKUMARI DISTRICT.

3 MR.H.EDWARD SAM
S/O.M.HARRIS, KONAM, MULAGUMOODU POST,
THIRUVITHANCODE VILLAGE, KALKULAM,
KANYAKUMARI DISTRICT.

4 MR.P.ENOSE
S/O.PAAUL, KADUVETTI, MULAGUMOODU POST,
THIRUVITHANCODE VILLAGE, KALKUALM, KANYAKUMARI DISTRICT.



- 5 REV.THANKA JOY DEVARJ
W/O.DEVARAJ, 71A, DENNIS ROAD, NAGERCOIL,
NAGERCOIL VILLAGE, AGASTEESWARAM TALUK,
KANYAKUMARI DISTRICT. ...RESPONDENTS 2 TO 5/ RESPONDENTS 1 to 4
/RESPONDENTS 1 TO 4
- 6 THE DISTRICT CHAIRMAN
ST.PAUL C.S.I.CHURCH, KODIYOOR,
MULAGUMOODU POST, KALKULAM TALUK,
KANYAKUMARI DISTRICT.
- 7 THE CONVENOR
COMMISSION FOR SETTLEMENT OF ELECTION DISPUTES, KODIYOOR,
MULAGUMOODU POST,
KALKULAM TALUK, KANYAKUMARI DISTRICT.
- 8 REV.JUSTIN DEVADOSS
CONVENOR, LOCAL COURT HAVING OFFICE AT
KODIYOOR, MULAGUMOODU POST, KALKULAM TALUK,
KANYAKUMARI DISTRICT.
- 9 Y.JEYACHANDRASEKAR
KOZHIPORVILAI, MULAGUMOODU POST, KALKULAM TALUK,
KANYAKUMARI DISTRICT. ... RESPONDENTS 6 to 7/
RESPONDENTS 7 to 10/RESPONDENTS 7 to 10

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Present this Memorandum of grounds of Review Petition against the order passed by Honourable Court in CMP.No.4651 of 2017 in CRP(MD). No.1052 of 2017 dated 30/05/2017.

Prayer in CMP(MD). 5642/ 2017 :

to stay the order dated 30/05/2017 in CMP(MD).No.4651 of 2017 in CRP(MD).No.1052 of 2017 pending disposal of the Review petition.

Prayer in CRP(MD). 1052/ 2017 :

Pass orders directing to Dispose of the suit in OS.NO.9 of 2016 on the file of the Principal Subordinate Court, Nagercoil, Kanyakumari District within a stipulated time that may be fixed by this Honourable Court.

Prayer in CMP(MD). 4651/ 2017 :

To pass an order of interim direction, appointing a retired High Court Judge to conduct the election of the 5th respondent for electing the diocesan office bearers, Executive Committee members, all Board Members and the delegates of synod of the 5th respondent diocese within a time frame that may be stipulated by this Honourable Court for the triennium commencing from the date of election.



the arguments of M/S. J.DAVID GANESAN, Advocate for the petitioner, the court made the following order:-

This Review Petition has been filed by the review applicants to review the order passed by this Court in C.M.P(MD)No.4651 of 2017 in C.R.P.(MD)No.1052 of 2017, dated 30.05.2017 and to set aside the same.

2. The brief fact of the case is that the first respondent herein, R.Issac Robi filed O.S.No.9 of 2016, on the file of the Principal Sub-Court, Nagercoil, seeking to confirm the election of office bearers of Saint Paul Church, Kodaiyoor, which was held on 01.03.2015. Thereafter, C.R.P.(MD)No.1052 of 2017 came to be filed, before this Court, by the plaintiff in the suit, praying for early disposal of the suit in O.S.No.9 of 2016, on the file of the Principal Sub-ordinate Judge, Nagercoil.

3. Along with the said C.R.P.(MD)No.1052 of 2017, C.M.P.(MD)No.4651 of 2017 has been filed seeking an interim direction, to appoint a retired High Court Judge, to conduct the election of the fifth respondent for electing Diocesan Office Bearers, Executive Committee Members, all Board Members and the delegates of synod of the fifth respondent Diocese within a stipulated time frame.

4. Subsequent thereto, by order, dated 30.05.2017, the learned single Judge of this Court, who heard the matter initially, allowed C.M.P(MD)No.4651 of 2017 in C.R.P(MD)No.1052 of 2017 and appointed a retired Judge of this Court as Election Officer to conduct the election for the office bearers of the CSI Diocese.

5. Aggrieved by the said order of the appointment of Election Officer, this review application in REV.APLC(MD)No.118 of 2017 came to be filed before this Court.

6. This review petition along with the letter dated 22.06.2017, submitted by the second respondent Bishop, was submitted before the very same Judge, who heard the matter and passed the interim order of appointment of Election Officer, initially. Thereafter, the learned single Judge, by order, dated 04.07.2017, directed the Registry to post the case before the concerned Portfolio Judge, after getting appropriate orders from the Hon'ble Chief Justice.

7. Pursuant to the said direction, an office note was prepared by the Registry and the same, along with this Review Petition was placed before the Hon'ble Chief Justice and by order, dated 10.07.2017, the Hon'ble Chief Justice directed the Registry to post the Review Petition before me.

8. In the meanwhile, the respective learned Counsel requested the learned Judge, who was at that time dealing with the Civil Revision Petitions, to transfer the Civil Revision Petition in CRP (MD)No.118 of 2017 to the concerned Judge, who is going to hear the



Review Petition in Rev.Aplc(MD)No.118 of 2017, i.e., before me, on the basis of the Administrative order of the Hon'ble Chief Justice. Consequent to the same, the learned Judge, by order, dated 17.07.2017, directed the Registry to post the Civil Revision Petition, before the appropriate Bench, along with the Review Petition, after getting necessary orders from the Hon'ble Administrative Judge.

9. Thereafter, an office note was prepared by the Registry and the same, along with the Civil Revision Petition as well as the Administrative order of the Hon'ble Chief Justice dated 10.07.2017, was placed before the Hon'ble Administrative Judge, who, in turn, by order, dated 21.07.2017, directed the Registry to post the Civil Revision Petition, before me, along with the said Review Petition.

10. Subsequent thereto, Rev.Aplc.(MD)No.118 of 2017 in CMP(MD) No.4651 of 2017 along with CRP(MD)No.1052 of 2017, was posted before this Court, for hearing.

11. This Court, in the earlier round of litigation, after hearing some arguments, has passed the following order:

"Considering the facts and circumstances of the case, the order passed by this Court in C.M.P(MD)No.4651 of 2017 in C.R.P(MD)No.1052 of 2017, dated 30.05.2017, shall be kept in abeyance till 17.08.2017."

The said order was subsequently extended and in the meanwhile, the learned Counsel for the review applicants has filed some voluminous documents.

12. A perusal of these documents, would show that for some of the parties, I appeared as a Counsel (as then I was) and hence, it may not be proper to have this matter before me and it would be appropriate to direct the Registry to place this matter before some other Judge, after getting appropriate orders from the Hon'ble Chief Justice.

13. At this juncture, the learned Counsel appearing for the respective parties, expressed their willingness to have this matter, before me, for further hearing and they are also intended to file an affidavit of the respective parties, to that effect.

14. Under such circumstances, it is open to the parties to file such an affidavit, before the Registry and if any such affidavit is filed, the said affidavit along with the entire case bundle shall be placed before the Hon'ble Chief Justice, for appropriate orders.

sd/-
20/12/2017

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1 THE PRINCIPAL SUBORDINATE COURT,
NAGERCOIL, KANYAKUMARI DISTRICT

2 THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

ORDER

IN

REV.APLC(MD) No.118 of 2017

and CMP(MD)No.5642 of 2017

and CRP(MD)No.1052 of 2017

Date :20/12/2017

SMA/CM/SAR-4/29.12.2017:5P/3c