



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2017

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) . (MD) .No.1485 of 2016

WEB COPY

1.I.Balasundaram

2.R.Suresh

... Petitioners

Vs.

1. The Bishop,
Churches of South India,
Tuticorin - Nazareth Diocese,
Beach Road, Tuticorin 628 001.

2. Churches of South India Trust Association (CSITA)
Chennai,
represented by the Treasurer, Authorised representative
Tuticorin - Nazareth Diocese,
Beach Road,
Tuticorin 628 001.

3. CSI- Tuticorin Nazareth (Zone),
represented by Treasurer,
Beach Road, Tuticorin 628 001.

4. The Pastorate Chairman,
Vembaar Pastorate,
CSI St. Thomas Church Complex,
Vembaar Village 628 906,
Vilathikulam Taluk,
Tuticorin District.

5. R.Ayyamperumal Nadar

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 10.02.2016 made in I.A.No.97 of 2015 in O.S.No.25 of 2014 on the file of the II Additional District Court, Tuticorin.

For Petitioners : Mr.S.Kadarkarai
For R3 & R4 : Mr.G.Prabhu Rajadurai

O R D E R

The Civil Revision Petition has been filed against the fair and decreetal order dated 10.02.2016 in I.A.No.97 of 2015 in O.S.No.25 of 2014 on the file of the II Additional District Court,



Tuticorin.

2. The learned counsel appearing for the respondents 3 and 4 would submit that for taking the plea as a preliminary issue, both the parties are directed to produce all the necessary documents and file a written statement.

3. It is stated by the learned counsel for the petitioners that the written statement already filed and the issue has already been framed, but the question of *res judicata* has to be decided as a preliminary issue.

4. Both the learned counsel for the petitioners as well as the learned counsel for the respondents have no objection for deciding the question of *res judicata* as a preliminary issue.

5. Considering the above said submission, the II Additional District Judge, Tuticorin is directed to decide the question of *res judicata* as a preliminary issue in I.A.No.97 of 2015 in O.S.No.25 of 2014 within a period of three months from the date of receipt of a copy of this order.

6. The Civil Revision Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (Writs)

/True copy/

Sub Assistant Registrar

To

The II Additional District Judge,
Tuticorin.

Copy to
The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.S.Kadarkarai, ADVOCATE IN SR No.82067

+ 1 CC TO MR.G.Prabhu Rajadurai, ADVOCATE IN SR No.82223

akv

MK/RSK/SAR-2/31.10.2017/2P/5C

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