

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.10.2018

Coram

The Honourable Ms.Justice P.T.ASHA

**C.R.P(PD)Nos.2765 & 2766 of 2011
and
M.P.No.1 of 2011**

- 1.John Sathish
- 2.Mrs.Christy Joseph
- 3.Nova Bethania

...Petitioners in both C.R.Ps

Versus

- 1.Dr.Sudhakar
Advocate,
No.16, Lazar Layout,
Frazer Town,
Bangalore – 560 005.
- 2.Rev.Daniel Ravi Kumar,
Election Officer,
Sr.Mark's Cathedral,
No.1, MG Road, Bangalore – 560 001.
- 3.Mr.Pichamuthu Secretary,
Pastorate Committee,
St.Mark's Cathedral,
1 MG Road, Bangalore – 560 001.
- 4.Air Commodre Jacob, Treasurer,
Pastorate Committee,
St.Mark's Cathedral,
1 MG Road, Bangalore – 560 001.

- 5.St.Marks Cathedral,
A congregation of worshippers attached to
St.Marks Cathedral situate at
1 MG Road, Bangalore – 560 001.
Rep. by its Presbyter in charge,
Rev.Daniel Ravi Kumar.
 - 6.The Pastorate Committee of St.Mark Cathedral,
Rep. by its Secretary, Pichamuthu, St.Mark's Cathedral,
1 MG Road, Bangalore – 560 001.
 - 7.Mr.Raggie Eapen Chandy
 - 8.Mr.Paul Amirtharaj
 - 9.The Church of South India, Synod,
Rep. by its General Secretary,
No.5, Whites Road, Royapettah, Chennai – 14.
 - 10.Most Rev.S.Vasantha Kumar,
Moderator, Church of South India,
No.5, Whites Road, Royapettah,
Madras – 14.
- ...Respondents in both C.R.Ps

C.R.P(PD)No.2765 of 2011:

This Civil Revision Petition is filed under Article 227 of the Constitution of India praying to call for the records on the file of the XVI Assistant City Civil Judge, Madras in I.A.No.8856 of 2011 in O.S.No.4448 of 2011 dated 10.06.2011 and strike of the plaint as gross abuse of process of law and totally without jurisdiction and dismiss the application imposing costs.

C.R.P(PD)No.2766 of 2011:

This Civil Revision Petition is filed under Article 227 of the Constitution of India praying to call for the records on the file of the XVI Assistant City Civil Judge, Madras in O.S.No.4448 of

2011 and strike of the plaint as gross abuse of process of law and totally without jurisdiction.

For Petitioners in
both C.R.Ps : Mr.Sarath Chandran
for Mr.V.Raghavachari

For Respondents – 1
& 8 in both C.R.Ps : Not ready in notice

For Respondents – 2
to 7, 9 & 10 : No Appearance

COMMON ORDER

It is seen that the Original Suit itself was filed by the first respondent herein for the following relief:

"for permanent injunction restraining the defendants Nos.6 to 10 from contesting and getting elected in the Pastorate Committee for the bi-ennium 2011-2013 scheduled to be held on 12.06.2011, at St.Mark's Cathedral, No.1, M.G.Road, Bangalore by an order."

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2. An Interlocutory Application in I.A.No.8856 of 2011 was also moved by the first respondent for the very same relief which he sought for in the suit and the same was granted by the learned XVI Assistant City Civil Judge, Madras on

10.06.2011.

3. The interim order passed in I.A.No.8856 of 2011 was taken on revision to this Court by way of present Civil Revision Petition. On 02.08.2011, the petitioners herein had prayed this Court to grant a stay of the said interim order. Considering the fact that the main suit itself was for an injunction to restrain the defendants 6 to 10 from contesting and getting elected in the Pastorate Committee for the bi-ennium 2011-2013 scheduled to be held on 12.06.2011, at St.Mark's Cathedral, No.1, M.G.Road, Bangalore and the time has expired, this Court had granted an order of stay as they prayed for.

4. In view of the fact that the interim order passed by the learned XVI Assistant City Civil Judge, Madras in I.A.No.8856 of 2011 was stayed by this Court and that stay is in operation to date, the learned XVI Assistant City Civil Judge, Madras is directed to dispose of the suit as expeditiously as possible, if the cause of action still survives.

5. In the result, these Civil Revision Petitions are disposed of with the above direction. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

mrr

Index: Yes/No



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P.T.ASHA, J.,

mrr

To

The XVI Assistant City Civil Judge,
Madras.



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