

In the High Court of Judicature at Madras

Dated: 10.09.2018

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The Honourable Dr.JUSTICE ANITA SUMANTH

C.S. No. 168 of 2014

1. W.Devadoss

2. R.Silakkiamani

3. K.Livingston Manickaraj. Plaintiffs

Vs.

1. The Moderator,

The Church of South India

CSI Synod Centre

No.5 Whites Road,

Royapettah, Chennai 600 014

2. The General Secretary,

The Church of South India

CSI Synod Centre

No.5 Whites Road,

Royapettah, Chennai 600 014

3. Moderator Commissary

Thoothukkudi Nazareth diocese,

C/o CSI Synod Centre

No.5 Whites Road,

Royapettah, Chennai 600 114

4. Rev.S.G.Loorthuraj Jayasingh,

Administrative Secretary

5. Mr.Deva Sahayam,

Financial Administrator

6. Mr.S.D.K.Rajan,

Member,

7. Mr.Felix Sooraj Thomas,

Retired Customs Officers, Member

.... Defendants

P R A Y E R: PLAINT filed under Order VII Rule 1 of the C.P.C. read with Order V Rule of the O.S.Rules praying for (i) Declaring that the appointment of administrative committee by the letter dated 11.02.2014 of the 1st defendant is contrary to the provisions of Constitution of Church of south India and therefore null and void ab initio. (ii) Declaring all actions taken by the administrative committee pursuant to the letter dated 11.02.2014 as null and void and not binding on the member of Thoothukudi Nazareth Diocese. (iii) To grant an order of permanent injunction restraining the defendants from effecting transfers, appointments and promotions to the Thoothukudi-Nazareth Diocese. (iv) Consequentially for an appointment of Advocate Commissioner to conduct fresh Elections in accordance with Synod Constitution in respect of Thoothukudi Nazareth Diocese. (iv) Cost of the suit.

For Plaintiffs : Mr.G. Vasudevan

Mrs.D.Saraswati

For Defendants : No Appearance

J U D G M E N T

This suit is filed praying for a declaration that the appointment of an administrative committee by letter dated 11.02.2014 of the 1st defendant is contrary to the Constitution of the Church of South India and therefore null and void ab initio, a declaration that all actions taken by the administrative committee pursuant to letter dated 11.02.2014 are null and void and not binding on the member of Thoothukudi Nazareth Diocese, an order of permanent injunction restraining the defendants from effecting transfers, appointments and promotions to the Thoothukudi-Nazareth Diocese and consequentially, for the appointment of an Advocate Commissioner to conduct fresh Elections in accordance with Synod Constitution in respect of Thoothukudi Nazareth Diocese as well as costs of the suit.

2. Suit summons has been issued to the defendants. However, since there was no representation on their behalf, defendants 1 to 7 have been set ex parte.

3. The suit was sent for recording ex parte evidence on 27.01.2016 and the parties were directed to appear before the learned Additional Master III on 23.02.2016.

4. Evidence was recorded on 11.03.2016 and Exhibits P1 to P13 as detailed below were marked as documents:

Ex.P1- Photocopy of the Constitution of church of South India Thoothukudi Nazareth Diocese.

Ex.P2- Photocopy of the Constitution of Church of South India.

Ex.P3- Photocopy of the suspension intimation letter dated 24.04.2013.

Ex.P4- Photocopy of the Appointment letter dated 30.04.2013.

Ex.P5- Photocopy of the 3rd defendant letter dated 03.05.2013.

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Ex.P6- Photocopy of the order in WP(MD) No.10722 of 2013 dated 04.07.2013.

Ex.P7- Photocopy of the Order in WP(MD) No.10722 of 2013 dated 31.07.2013.

Ex.P8- Original order in WA(MD) Nos.835 to 839 of 2013 dated 06.08.2013.

Ex.P9- Photocopy of the 1st defendant letter dated 18.12.2013.

Ex.P10- Photocopy of the order in WP(MD) No.10722 of 2013 dated 22.01.2014.

Ex.P11- Photocopy of the 3rd defendant letter dated 30.01.2014.

Ex.P12- Photocopy of the 1st defendant proceedings dated 11.02.2014.

Ex.P13- Photocopy of the transfer order issued by the 3rd defendant dated 15.02.2014.

5. The plaintiff had taken the box as PW1 and deposed on his own behalf. After completion of the recording of evidence the matter has been posted before Court today, 10.09.2018.

6. In the light of the fact that the defendants have been set ex parte as early as on 27.01.2016 and the said position continues till date and taking into account the averments in the suit plaint and the evidence filed as detailed above, the suit is decreed as prayed for. No Costs.

10.09.2018

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