



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

Saturday, the Twenty Eighth day of April Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.V.MURALIDARAN

CMP(MD) No.4411 of 2018

IN

CRP(MD) No.820 of 2015

1 R.STANLEY VEDAMANICKAM,
2 D. DURAIRAJ,
3 M.AROAN
4 J.D. ANANDARAJ,

... PETITIONERS/PETITIONERS

Vs

1 CSI TUTICORIN NAZARETH DIOCESE
REPRESENTED THROUGH ITS BISHOP,
OFFICE AT CALDWELL HIGHER SECONDARY SCHOOL,
TUTICORIN- 1.

2 THE BISHOP
CSI TUTICORIN NAZARETH DIOCESE
OFFICE AT CALDWELL HIGHER SECONDARY SCHOOL,
TUTICORIN- 1.

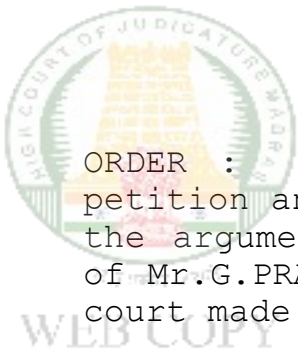
3 THE TREASURER
CSI TUTICORIN NAZARETH DIOCESE OFFICE AT
CALDWELL HIGHER SECONDARY SCHOOL,
TUTICORIN- 1.

... RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass an order of Interim Injunction restraining the respondents from preventing the petitioners from participating contesting and voting in the diocese Election 2018 of the CSI Tuticorin Nazareth Diocese either by not including the petitioners name in the voter list or otherwise pending disposal of CRP(MD) (PD) 820 of 2015 on the files of this Honourable Court and to pass such further or other Orders as this Honourable Court may deem fit and render justice.

Prayer in CRP(MD).820/ 2015 :

To call for the records in CMA NO. 18/2013 on the file of the 1st Additional District Court Tuticorin and set aside the order dated 17.11.2014 and thereby dismiss the said CMA NO.18/2013 with cost and thus render justice.



ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.C.DHANASEELAN, Advocate for the petitioner and of Mr.G.PRABHU RAJA DURAI, Advocate for R2 & R3 in CRP, AND THE the court made the following order:-

This C.M.P.(MD) No.4411 of 2018 has been filed by the petitioners in C.R.P.(MD) No. 820 of 2015, seeking an order of interim injunction, restraining the respondents from preventing the petitioners, from participating, contesting and voting the Diocese Election 2018 of the C.S.I Tuticorin Nazareth Diocese, either by not including the petitioners name in the voter list or otherwise, pending disposal of C.R.P.(MD) No.820 of 2015.

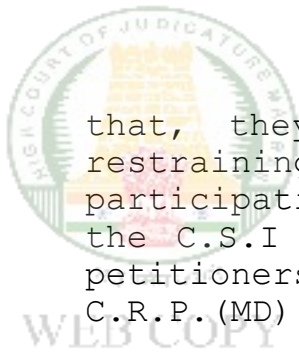
2. The learned counsel for the respondents has taken notice in the application and seeks time to file an application, since the petitioners have served notice only on 23.04.2018. Apart from this, the main C.R.P.(MD) No. 820 of 2015 has been filed long back in the year 2015 and the same is pending and not only to verify the contents of the Civil Revision Petition.

3. Heard the learned counsel for the petitioners.

4. The learned counsel for the respondents strongly opposed to allow this application, since the petitioners were removed from the membership of the Diocese. Therefore, they have no rights to participate in the forthcoming election. Apart from this, he has pointed out in paragraph No.10 is as follows:

"I state that now the Diocese elections at various levels for the year 2018 have been announced on 14.04.2018 and the schedule of dates announced. The proposed elections were to be held from 17.06.2018. The preparation of the Voters list was to be completed on 16.04.2018 and any objection to the non inclusion of names to be made on or before 29.04.2018 and Revised Voters list to be announced by 12.05.2018 and an Appeal against rejection of claim to be included in the voters list to be made on or before 19.05.2018 and the nomination for contesting the elections on or before 24.05.2018 and for withdrawing the nominations on or before 29.05.2018 and elections to be held on 17.06.2018. I state and submit that in the Voters list now announced 22.04.2018".

5. The learned counsel for the petitioners submitted that, this Court vide Order dated 23.05.2013 directed the learned Subordinate Judge, Thoothukudi to pass orders in the Suit, in which the petitioners are permitted to participate in the election for the year 2018 and election was announced on 14.04.2018 and the proposed elections were to be held from 17.06.2018 and preparation of the voters list has to be completed on 16.04.2018. Apart from this, any objections to be made on or before 29.04.2018 and revised voters list will be announced by 12.05.2018. Therefore, the urgency is



that, they have moved this application for interim injunction restraining the respondents from preventing the petitioners, from participating, contesting and voting the Diocese Election 2018 of the C.S.I Tuticorin Nazareth Diocese, either by not including the petitioners name in the voter list or otherwise, pending disposal of C.R.P.(MD) No.820 of 2015.

6. The present C.M.P. (MD).No. 4411 of 2018 has been filed by the petitioners is only sought for participating, contesting and voting the Diocese Election 2018 which was proposed to be held on 17.06.2018.

7. The learned counsel for the respondents has made strong objections that, though, an election only to be conducted on 17.06.2018. There is no urgency in the matter. This Court is of the view that, entire process of inclusion of members is from 29.04.2018 to 29.05.2018. Therefore, in this application a strong objections made by the learned counsel for the respondents, this Court is inclined to pass the following Order:

There shall be an order of interim injunction restraining the respondents from preventing the petitioners, from participating, contesting and voting the Diocese Election 2018 of the C.S.I Tuticorin Nazareth Diocese, either by not including the petitioners name in the voter list or otherwise, pending disposal of C.R.P.(MD) No.820 of 2015.

8. Subject to the result, post the C.R.P.(MD) No.820 of 2015 for final hearing on 05.06.2018.

sd/-
28/04/2018

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE 1st ADDITIONAL DISTRICT JUDGE,
TUTICORIN.

+1. C.C. to M/S.C.DHANASEELAN Advocate SR.No.7685

ORDER IN
CMP(MD) No.4411 of 2018 IN
CRP(MD) No.820 of 2015
Date :28/04/2018