



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2018

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD).No.1047 of 2017 and
C.M.P. (MD) Nos.4618 & 6167 of 2017

K.Rajakumar

... Petitioner/Plaintiff

Vs.

1. Church of South India,
Kanyakumari Diocese,
Rep. by its Bishop,
No.71A, Dennis Street,
Nagercoil, Nagercoil Village,
Agastheesewaram Taluk,
Kanyakumari District.
2. The Bishop,
Church of South India,
Kanyakumari Diocese,
No.71A, Dennis Street,
Nagercoil,
Nagercoil Village,
Agastheeswaram Taluk,
Kanyakumari District.
3. Pastor,
Keezhkulam C.S.I.Church,
Keezhkulam Village,
Vilavancode Taluk,
Kanyakumari District.
4. I.Samuel Sundarsingh
5. S.Jasline Pharus
6. S.Crispin Inbacalvin
7. Y.Manoba
8. D.Singararajan
9. T.Lenin
- 10.D.Suresh Chandra
- 11.Nallathambi Dixon
- 12.Ponpaul Suthakar
- 13.G. John
- 14.Thampi Vijayakumar
- 15.Jeba John



16.Wifred Franklin
17.Mathiazhagan
18.Thanga Leela Bai

... Respondents/Defendants

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned II Additional Subordinate Judge, Nagercoil to dispose of O.S.No.32 of 2016 within a time frame fixed by this Court.

(The prayer is amended vide order dated 05.06.2017, in C.M.P. (MD) No.4666 of 2017)

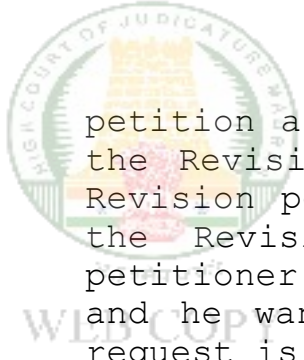
For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.F.Deepak

O R D E R

The Revision petitioner herein is one K.Rajakumar. He filed O.S.No.32 of 2016 before the learned II Additional Subordinate Judge, Nagercoil, seeking the relief of declaration and permanent injunction. The declaration has been sought in respect of an election sought to have been conducted on 15.02.2015 in Keezhkulam C.S.I.Church for the triennium 2015-2018.

2. The suit was filed in February, 2016. This Civil Revision petition was filed on 25.05.2017 and the prayer sought for in this Civil Revision petition is for directing the learned trial Judge to dispose of O.S.No.32 of 2016 within a time frame. But strangely, in C.M.P.No.4618 of 2017, the Revision petitioner has sought the relief of interim injunction for restraining the respondents from in any way interfering with the Revision petitioner as well as one Dr.Thambi Vijayakumar, from discharging their duties as Diocesan counsel members. By a non-speaking order, an order of interim Injunction was granted on 26.05.2017. To vacate the same, C.M.P.(MD)No.6167 of 2017 has been filed. When C.M.P.(MD)No.6167 of 2017 was listed before me, it appeared that the matter had become infructuous and this Civil Revision petition can be disposed of on that basis.

3. But then, the learned counsel appearing for the Revision petitioner wanted time to get instructions in this regard. It was then that this Court happened to have a look at the papers. This Court can only express its utter shock and surprise. When the prayer in the main Civil Revision petition itself is for directing the learned trial Judge to dispose of the suit, the question of seeking interim injunction during the pendency of this Civil Revision petition simply cannot arise. The interim relief cannot be sought beyond the purview or scope of the main proceedings. This is a elementary principle. The Revision petitioner herein had clearly abused the legal process of this Court by asking for such interim injunction. While dismissing this Civil Revision



petition as infructuous, this Court taking note of the conduct of the Revision petitioner, wanted to impose exemplary cost on the Revision petitioner. But then, the learned counsel appearing for the Revision petitioner herein undertakes that the Revision petitioner herein would not indulge in similar tactics in future and he wanted the cost to be reduced to Rs.5,000/-. The said request is accepted.

4. The Civil Revision petition stands dismissed with cost of Rs.5,000/-(Rupees Five Thousand only). No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-III)

/TRUE COPY/

Sub Assistant Registrar(CS-I)

To

1. The II Additional Subordinate Judge,
Nagercoil.
 2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)
- +1. C.C. to M/S.S.C.Herold Singh, Advocate SR.No. 83623

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