

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2019

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

C.R.P. (PD) No.3729 of 2019

and C.M.P.Nos.24494 and 24496 of 2019

1.Rt.Rev.Timothy Ravinder

2.The Secretary

CSI Coimbatore Diocesan Council

256, Race Course, Coimbatore-641 018. ..Petitioners

/Respondents/Defendants 1 & 6

-Vs-

1.Arumaimani Sam

2.M.Rajendran

3.P.Charles

4.Samuelrajan

5.Usha Sasi

6.Gunasekaran Vedanayagam

7.Rajadurai

8.Sasi

9.C.Suganthi

10.Mathew Murugesan

11.P.Ravikumar Juleus

12.Paul Singh Jebaraj

(Respondents 7 to 12 impleaded as
party respondents vide Court order
dated 18.11.2019 in CMP 24692/2019)

... Respondents/Petitioners

Plaintiffs 7 to 12

Prayer : Civil Revision Petition under Article 227 of the
Constitution of India against the docket order dated 01.11.2019
in I.A.No.2 of 2019 in O.S.No.687 of 2019 by the III Additional
District Judge, Coimbatore.

For Petitioner : Mr.R.C.Paul Kanagaraaj

For Respondents: Mr.V.Lakshmi Narayanan - for R1

Mr.A.Immanuel - for R2 to R6

Mr.J.Kingsly Solomon - for R7 to R12

O R D E R

This revision petition has been filed against the docket order dated 01.11.2019 in I.A.No.2 of 2019 in O.S.No.687 of 2019 by the III Additional District Judge, Coimbatore.

2. In the impugned order, the learned Judge has stated that, already a request has been sent to the Principal District Judge to transfer the case to some other Court and hence the interim order already granted on 04.10.2019 has been extended until further orders and directed the matter to be called on 16.12.2019.

3. Heard the learned counsel for the petitioners and the learned counsel for the respondents. The main grievance of the revision petitioners appears to be that even though interim order has been granted on 04.10.2019 by which a prohibitory injunction has been granted for the very conducting of election for the Pastorate Committee as well as Diocesan Council till 15.10.2019, where the revision petitioners, who were the respondents have entered appearance and filed counter and ready for arguments. In fact, a part of the arguments, though have been heard, the learned Judge seems to have not disposed the I.A., and at one point of time, the learned Judge recorded that, already a request has been made to the Principal District Judge to transfer the O.S., itself to some other Court.

4. I have heard the learned counsel for the respondents, who would submit that the parties have utmost confidence on the learned Judge and therefore there is no need to transfer the case to some other Court and since arguments have partly been heard, let there be a finality at the earliest.

5. In this context, in view of the said order passed on 01.11.2019 by the learned Judge, this Court wanted an affidavit to be filed in this regard by the revision petitioners expressing confidence in the judicial officer. A separate affidavit has been filed by the revision petitioners on 16.11.2019, where the revision petitioners have stated as follows:-

"3. I submit that I was shocked to note the contents of the proceedings dated 01.11.2019 wherein it has been recorded that "Already request sent to the Principal District Court to transfer this case to some other Court..." I repose extreme confidence in the above Court and the Judicial Officer and hence I do not insist for any transfer of the present case O.S.687 of 2019 pending on the file of the Hon'ble Judges, III Additional District Judge, Coimbatore to

any other Court.

4. I submit that the term of the present CSI Coimbatore Diocesan Council expired on 16.11.2019.

5. It is therefore prayed that this Hon'ble Court may be pleased to record the above and issue appropriate directions for disposal of I.A.No.2 of 2019 in O.S.No.687 of 2019 pending on the file of the Hon'ble Judge, III Additional District Court, within a short time period fixed by this Hon'ble Court and pass such other suitable order as this Hon'ble Court may deem fit and necessary on the facts and circumstances of this case and thus render justice."

6. After having gone through the same, this Court feels that, since all the parties repose utmost confidence on the Judicial Officer to decide the I.A., there is no meaning in keeping the said I.A., pending or transferring the suit to another Court, as no such eventuality arises as of now.

7. In view of the above, this Civil Revision Petition is disposed of with the following directions.

- a) The Court below ie., the III Additional District Judge, Coimbatore is hereby directed to decide the said I.A.No.2 of 2019 in O.S.No.687 of 2019 within a period of 30 (thirty) days from the date of receipt of a copy of this order, of course, after hearing all the parties concerned, on merits.
- b) In this regard, all the parties herein, shall cooperate with the learned Judge, without taking any unnecessary or unwarranted adjournments, enabling the learned Judge to comply with the present order.

8. In view of the above order, if any request has already been made by the learned Judge to transfer the suit to some other Court, becomes otiose, as there is no need for that and the learned Principal District Judge concerned can leave the matter at rest, as direction has been given by this Court to the learned Judge as indicated above. With the above directions, the Civil Revision Petition is disposed of. No costs. Consequently, C.M.P.Nos.24494 and 24496 of 2019 are closed.

KST

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The III Additional District Judge, Coimbatore.

2. The Principal District Judge, Coimbatore.

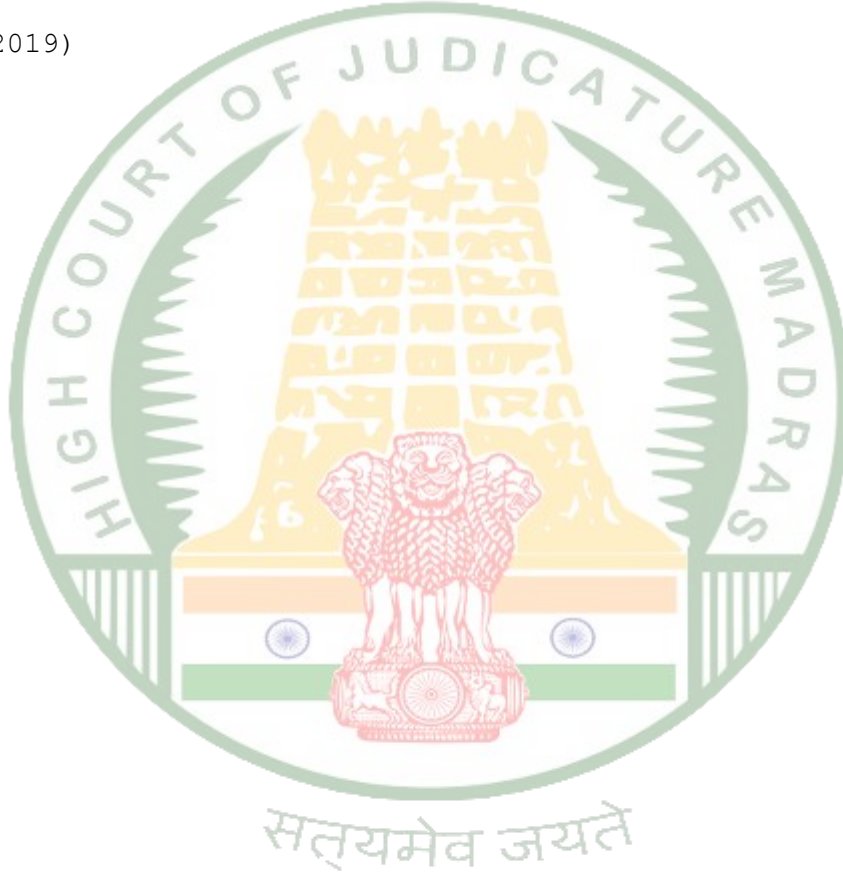
+2cc to Mr.S.S.Rajesh, Advocate, SR.No.95769

+1cc to M/s.Kingsly & Solomon, Advocate, SR.No.95705

+1cc to Mr.A.Immanuel Advocate, SR.No.95626

C.R.P.(PD) No.3729 of 2019

Kak(19/11/2019)



WEB COPY