



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.R.P. (MD)No.1412 of 2019
and C.M.P. (MD)No.7478 of 2019

The Church of South India,
Kanyakumari Diocese,
Rep.by its Moderator & Bishop in Charge,
CSI Diocesan Office, 71A Dennis Street,
Agastheeswaram Taluk,
Nagercoil, Kanyakumari District. : Petitioner/ Defendant

Vs.

1.Dr.R.Christian Ebenezer

2.The Moderator & The Bishop-in-charge,
Church of South India,
CSI Diocesan Office, 71A Dennis Street,
Agastheeswaram Taluk,
Nagercoil, Kanyakumari District.

3.The Administrative Secretary,
Church of South India,
CSI Diocesan Office, 71A Dennis Street,
Agastheeswaram Taluk,
Nagercoil, Kanyakumari District.

4.A.Jeba Suji

5.Muthusamy Christudhas : Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records in I.A.No.367 of 2018 in O.S.No.134 of 2018, dated 03.08.2019 on the file of the Principal District Munsif, Padmanabhapuram, Kanyakumari District and set aside the same by allowing this revision petition.

For Petitioner : Mr.Issac Mohanlal
Senior Counsel
for M/S.F.Deepak

For Respondents : Mr.D.Srinivasaragavan



ORDER

This Civil Revision Petition has been filed challenging the order passed by the Principal District Munsif, Padmanabhapuram, Kanyakumari District in I.A.No.367 of 2018 in O.S.No.134 of 2018, dated 03.08.2019.

2.The suit was filed for declaration to declare that the voters list prepared by the fourth respondent is null and void and for prohibitory injunction from dissolving the present church committee till the conduct of fair election for the C.S.I. Church committee and for mandatory injunction in favour of the plaintiff directing the defendants to conduct a fair election by way of appointing an Advocate Commissioner by preparing a fair voters list in the C.S.I. Church, Paloor, and to conduct election.

3.Since the revision petitioner herein failed to file counter, the Court below passed an order in the Interlocutory Application by appointing an Advocate Commissioner for preparation of the voters list.

4.When the matter came up for hearing on 16.09.2019, Mr.Issac Mohanlal, learned senior counsel appeared for the petitioner fairly made his submission stating that the petitioner herein will prepare fresh voters list and thereafter, the said voters list will be made available for the public to make their objections with regard to the addition or deletion of the names of the voters. In such case, the respondent will make their objections, if they intend to do so. Therefore, he undertakes on behalf of his client that his client will file an affidavit in this regard on the next hearing date.

5.Today, when the matter came up for hearing, as per the undertaking given by the learned Senior Counsel for the petitioner, the petitioner has filed an affidavit dated 18.09.2019, wherein the petitioner stated as follows:-

"7.It is humbly submitted that the entire controversy projected by the 1st respondent R.Christian Ebenezer (erstwhile Secretary) in his suit was on the correctness of the Voters List in respect of the C.S.I. Church, Paloor. In this regard, in order to give quietest the issue, I humbly submit that the Ad-hoc Committee will publish a Fresh Voters List and the 1st respondent / Plaintiff and other members of the Church will have the opportunity to raise objections, if any, within 7 days from the publication of the said list. In the event of any objection being received, the Ad-hoc committee would consider the same and publish the Final List within a further period of 7 days. The election



would be conducted on the basis of the said Final Voters List.

8.It is apposite to point out at this juncture that in order to facilitate the Ad-hoc Committee for preparing the Voters List, the 1st respondent / plaintiff may hand over the Church Records to the Secretary of the Ad-hoc Committee at the earliest."

6.The learned counsel for the first respondent / plaintiff submitted that they have also challenged in the suit with regard to the constitution of ad hoc Committee. Therefore, he contend that the ad hoc Committee constituted by the previous Bishop shall be reconstituted in a fair and transparent manner.

7.On the other hand, the learned Senior Counsel for the petitioner fairly submitted that in the event if the first respondent / plaintiff sends any representation for the reconsideration of the ad hoc Committee and the same will be considered by the Bishop. However, he further submitted that the said representation may be sent through Pastor. Therefore, if at all if the first respondent is intend to make any representation for the reconstitution of the Committee, he has to make representation both to the Pastor of the Church and to the Bishop directly. Finally, after receipt of the recommendation from the Pastor, the Bishop may decide and reconstitute the ad hoc Committee on merits.

8.At this juncture, the learned counsel for the petitioner submitted that by virtue of passing this order, the suit will become infructuous and therefore, the petitioner may be granted liberty to make a mention before the Court below and the Court below shall decide the same on merits. He further submitted that the personal appearance of the Bishop may be dispensed with.

9.On the basis of the submissions advanced by either side, in order to give a quietest to this matter, this Court is passing the following orders:

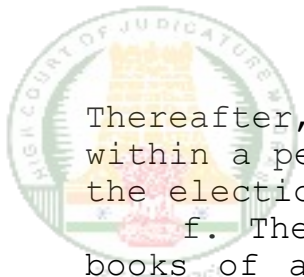
a. The first respondent herein shall give representation to the Bishop as well as the Pastor with regard to the re-constitution of the ad hoc committee, within a period of one week from the date of receipt of a copy of this order.

b. The Pastor on receipt of the representation, shall make recommendation to the Bishop, within a period of one week, thereafter.

c. The Bishop shall take a decision, within a period of one week from the date of receipt of recommendation from the Pastor.

d. In the event no representation is submitted within the stipulated time, the Bishop shall take a decision directly, without waiting for the recommendation from the Pastor and shall re-constitute the ad hoc committee.

e. After re-constitution of the ad hoc committee, the committee shall prepare a fresh voters list inviting objections from the public.



Thereafter, the ad hoc committee shall issue final voters list, within a period of 7 days from the date of receipt of objections and the election shall be conducted based on the final voters list.

f. The respondent / plaintiff shall hand over the copy of the books of accounts and minutes books to the Bishop directly. The Bishop shall verify the accounts with regard to the amount of Rs.45,000/-, which according to the respondent, the church is liable to pay, and in the event of any outstanding, the same shall be paid within a period of seven days from the date of receipt of the books. If the Bishop requires original books, the first respondent shall submit the original books of accounts and minutes book for verification in the presence of the first respondent.

g. The appearance of the petitioner (Bishop) before the Court below is dispensed. However, the petitioner shall appear before the Court below as and when required.

10. With the above directions, this Civil Revision Petition is closed. No costs. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

gns

To

The Principal District Munsif,
Padmanabhapuram,
Kanyakumari District.

+1 CC to M/s.D.SRINIVASARAGAVAN, Advocate (SR-88691[F] dated 23/09/2019)

+1 CC to M/s.F.DEEPAK, Advocate (SR-88721[F] dated 24/09/2019)

C.R.P. (MD)No.1412 of 2019
23.09.2019

JMN(26.09.2019) 4P : 4C