

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 21ST DAY OF DECEMBER 2020

THE HON'BLE MRS.JUSTICE S.KANNAMMAL

A.No.2369 of 2015
IN
C.S.No.24 of 2014

1.Mr.Franklyn James
215 BDS Gardens
Geddalahalli,
Kothanur PO
Bangalore 560 077.

2.Mr.Devadoss Sadhu
No.14, 'G" Block
23rd Cross, Sakara Nagar
Bangalore 560 092...

... Plaintiffs

-Vs-

* 1.The Most Rev.Dr.G.Dyvashirvadam
Moderator,
Synod, Church of South India,
CSI Centre, No.5, Whites Road,
Royapettah, Chennai-600 014.

(*) Amended as per order dated 31.07.2014 in Appl.No. 4777 and 4778 of 2014 and order dated 08.08.2014 in O.A.No. 27 of 2014)

2.Church of South India
The Synod Secretariat,
represented by its General Secretary
CSI Centre, No.5, Whites Road,
Royapettah, Chennai-600 014.

3.CSI Karnataka Central Diocese,
represented by its Secretary
No.20, Third Cross, CSI Compound,
Bangalore-560 027.

* 4. J.Joel Franklin,
S/o. late H.M.James Krupadass
No.135/2, Second Floor,
Old Mission Compound,
Lalbagh Road, Bangalore – 560 027.

* (4th defendant impleaded as per order dated 26.03.2014 in A.No.1179 of 2014)

** 5. Rev Prasanna Kumar Samuel,
CSI Divya Shanthi Church,
Lingaajapuram, Bangalore - 560 084.

** 6. Mr.J.M.Richard,
S/o. Late R.P.Joseph,
No.139, CBHS Layout Vijayanagar,
Bangalore - 560 040.

** 7. Mr.Chandrasan,
S/o. Late Rev.James Devadoss,
No.28, 6th Cross Panashankari 3rd stage,
Kathiguppe Main Road,
Bangalore - 560 085.

** 8. Rev.Sanjay Samuel
S/o. Late John S.Ayer
CSI, St.Andrew's Church,
Cubbon Road, Bangalore - 560 001.

... Defendants

(**) (5 to 8 defendants impleaded as per order dated 26.03.2014 in Appl.No.1859/2014)

A.No.2369 of 2015:-

Dr.Sudhakar
S/o.Asservadham,
No.16, 1st Cross,
Laser Layout,
Fraser Town,
Bangalore-560 005.

..Applicant/Proposed 3rd
Plaintiff

-Vs-

1.Mr.Franklyn James
215 BDS Gardens
Geddalahalli,
Kothanur PO
Bangalore 560 077.

2.Mr.Devadoss Sadhu
No.14, 'G' Block
23rd Cross, Sakara Nagar
Bangalore 560 092..

... Respondents/Plaintiffs

3.The Most Rev.Dr.G.Dyvashirvadam
Moderator,
Synod, Church of South India,
CSI Centre, No.5, Whites Road,
Royapettah, Chennai-600 014.

4.Church of South India
The Synod Secretariat,
represented by its General Secretary
CSI Centre, No.5, Whites Road,
Royapettah, Chennai-600 014.

5.CSI Karnataka Central Diocese,
Represented by its Secretary
No.20, Third Cross, CSI Compound,
Bangalore-560 027.

6. J.Joel Francelin,
S/o. late H.M.James Krupadass
No.135/2, Second Floor,
Old Mission Compound,
Lalbagh Road, Bangalore - 560027.

7. Rev Prasanna Kumar Samuel,
CSI Divya Shanthi Church,
Lingaajapuram, Bangalore - 560 084.

8. Mr.J.M.Richard,
S/o. Late R.P.Joseph,
No.139, CBHS Layout Vijayanagar,
Bangalore - 560 040.

9. Mr.Chandrasahsan,
S/o. Late Rev.James Devadoss,
No.28, 6th Cross Panashankari 3rd stage,
Kathiguppe Main Road,
Bangalore - 560 085.

10. Rev.Sanjay Samuel
S/o. Late John S.Ayer
CSI, St.Andrew's Church,
Cubbon Road, Bangalore - 560 001. ... Respondents/Defendants

Application praying that this Hon'ble Court be pleased to grant leave to the Applicant to file the present applications to set aside the order of dismissal dated 15/09/2014.

This Application coming on this day before this Court for hearing, the Court made the following order:

RESERVED ON : 08.12.2020

DELIVERED ON :21.12.2020

This Application is filed under Order XIV Rule 8 of O.S.Rules r/w. Order III Rule 1 of O.S.Rules R/w.Clause 12 of Letters Patent seeking to grant leave to the applicant to file the present applications to set aside the order of dismissal dated 15.09.2014.

2. This Application has been filed by one Dr.Sudhakar, 3rd party seeking leave to file this application to set aside the order of withdrawal dated 15.09.2014 in C.S.No.24 of 2014 and to condone the delay in filing this application.

3. The main C.S.No.24 of 2014 was filed by plaintiffs Mr.Franklyn James and Mr.Devadoss Sadhu seeking for the following reliefs:

"a) for declaring the decision conveyed by the letter dated 17.10.2013 by then moderator curtailing the term of office of the Karnataka Central Diocesan Council as arbitrary, contrary to the provisions of the Constitution of the CSI and CSI Karnataka Central Diocese, invalid, null and void;

b) For permanent injunction restraining the defendants, their men, agents or anyone acting on their behalf in any manner interfering with the

discharge of duties of the plaintiffs as duly elected members of the Executive Committee and Property Committee of the Diocesan Council of the CSI Karnataka Diocesan Council including representative of the Synod for a full term of two years in accordance with the constitution of the CSI and CSI Karnataka Diocesan Council; and for cost of the suit. "

4. When this application came before this Court for hearing on 08.12.2020, there was no representation for the applicant. The learned counsel for the respondents appeared through Video Conferencing.

5. The main suit in C.S.No.24 of 2014 was dismissed as withdrawn by the plaintiffs and consequently connected applications also closed as per the order dated 15.09.2014. The said suit was filed by the plaintiffs in an individual capacity.

6. The learned counsel for the respondents submitted that C.S.No.24 of 2014 was filed in the individual capacity and the same was dismissed on 15.09.2014 as withdrawn as per the order of this Court and sought for dismissal of the present application.

7. This application came up on 24.11.2020, on that date, there was no representation for the applicant. So the matter was directed to be posted under the caption for dismissal on 08.12.2020. Even on 08.12.2020, there was no representation for the applicant either in person or through counsel. Further, this application is pending from the year 2015. Therefore, considering the fact that the main suit was filed by the plaintiffs in an individual capacity and that was dismissed as withdrawn even by order dated 15.09.2014 and there is no representation for the applicant, this Court has no other option except to dismiss this application. Accordingly, this Application is dismissed.

Sd./-S.K.J
21.12.2020

//Certified to be true copy//

Dated at Madras this the day of 2021.

सत्यमेव जयते

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

JJ 04/01/2021