

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.01.2020

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P. (PD) 68 of 2020
and
C.M.P. 416 of 2020

1. Rt. Rev. Timothy Ravinder
The Bishop,
CSI Diocese,
No.256, Race Course,
Coimbatore-641 018.

2. The Secretary,
CSI Coimbatore Diocesan Council,
No.256, Race Course,
Coimbatore-641 018.

... Petitioners

Versus

1. Mrs.Arumaimani Sam
S/o. Late Sam Appadurai,
No.15, Amarjothi Pon Nagar,
Vijayapuram Post,
Kangeyam Road,
Thiruppur.

2. M.Rajendran
S/o. Madasamy,
No.200/4, MGR Nagar,
Athupalayam Post,
Thiruppur.

3. P.Charles
S/o. Ponraj,
No.3/373, Sri Senthil Andavar Nagar,
Nachipalayam, Kangeyam Road,
Thiruppur.
4. M.Samuelrajan
S/o. Madhuram,
No.1/207-D, Thiyagi Kumaran Colony,
4, Chettipalayam, Thirumurugan
Poondi Post, Thiruppur.
5. S.Usha Sasi
W/o. T.Sasi,
No.5/193, 1st Street,
K.G.Nagar, Pichampalayam Pudur,
Thiruppur.
6. Gunasekaran Vedanayagam
S/o. Gnanaiah,
No.16, Arivoli Nagar East,
Nallathupalayam Main Road,
Pooluvapatti Post, Thiruppur.
7. Rajadurai
S/o. Mathuram,
D.No.1/209-D, Thiyagikumaran
Colony,
Thirumuruganpoondi Post,
Tiruppur.
8. Sasi,
S/o. Thangamuthu,
D.No.5/193, 1st Street,
K.G.Nagar,
Pichampalayampudur,
Tiruppur-641 666.

9. C.Suganthi,
W/o. Christdoss,
D.No.3/1420, New Vavipalayam,
Neruperichel,
Tiruppur-641 666.
10. Mathew Murugesan,
S/o. Manickaraj,
D.No.269/3, Kunnanthottam,
Parapalayam, Tiruppur.
11. P.Ravikumar Juleus,
S/o. Pooviya
D.No.16-C, Palanisamy Compound,
Golden Nagar,
Tiruppur.
12. Paul Singh Jebaraj,
S/o. Elisah,
D.No.207-D, Thiyagikumaran Colony,
Thirumuruganpoondi Post,
Tiruppur.

R 7 to R12 are impleaded
as per order dated 13.01.2020
in C.M.P. 673 of 2020

... Respondents

PRAYER : Civil Revision Petition is filed under Art. 227 of Constitution of India, praying to set aside the docket order dated 16.12.2019 in I.A. 2 of 2019 and O.S. 687 of 2019 by the learned III Addl. District at Coimbatore.

For Petitioners : Mr.V.Selvaraju for
Mr.D.Prabhu Mukunth Arun
Kumar

For Respondents : Mr.A.Immanuel for R1 to R6

Mr.V.Lakshminarayanan for
Mr.Kngsly Soloman
for R7 to R12

ORDER

This Civil Revision Petition has been filed against the docket order dated 16.12.2019 in I.A. 2 of 2019 in O.S. 687 of 2019 passed by the learned III Addl. District Judge, Coimbatore.

2. The petitioners are defendants 1 and 6 in the Suit. The respondents 1 to 6 herein are the plaintiffs. The plaintiffs have filed a suit for injunction restraining the defendants 1 and 6 from conducting the 34th diocesan council, and also restraining the defendants from preventing plaintiffs 7 to 12 herein from casting their votes and to contest the forthcoming Prostrate committee/Diocesan council election in the CSI St. Paul's Church, Tiruppur, and also to pass other consequential reliefs. Pending suit, the plaintiffs have filed an application in I.A. 2 of 2019, seeking for interim injunction restraining the defendants 1

to 6 from conducting 34th diocesan council. The Court below has granted an order of interim injunction on 04.10.2019 restraining the defendants 1 to 6 to conduct election till 15.10.2019, thereafter, the interim order has been extended periodically till 16.12.2019. In the meantime, the petitioners herein have filed a Civil Revision Petition in C.R.P. (PD) 3729 of 2019 to set aside the order passed in I.A. 2 of 2019, and this Court, after hearing both petitioners and the respondents, by an order dated 18.11.2019, disposed of the Civil Revision Petition with a direction to the Trial Court viz., III Addl. District Judge, Coimbatore to decide the I.A. 2 of 2019 in O.S. 687 of 2019 within a period of thirty days from the date of receipt of the order, and the parties to the Suit are directed not to take any unnecessary or unwarranted adjournments. According to the petitioner, though this Court had passed an order dated 18.11.2019, the learned Trial Judge not taken up the application seeking for injunction and periodically adjourning the case. Hence, this Civil Revision Petition has been filed.

3. Earlier, when this matter taken up for admission, Mr.V.Selvaraju, learned counsel appearing for petitioners submitted that, after the order passed by this Court in C.R.P. (PD) 3729 of 2019, the petitioners have filed an application in I.A. 5 of 2019, seeking for advance hearing, despite the same, the learned Judge adjourning the case without considering the order passed by this Court. In the above circumstances, this Court had called for a report from the learned III Addl. District Judge, Coimbatore.

4. Today, the report has been placed before this Court, wherein the learned Trial Judge has stated that, on 04.10.2019, after hearing both parties, an ad-interim injunction was granted. Subsequently, the I.A. was adjourned to 15.10.2019. On that day, both counsels have submitted in open court, that there was an attempt for compromise. Hence, the case was adjourned to 17.10.2019, and then to 21.10.2019. On 21.10.2019, the respondents 1 and 2 therein have filed a counter affidavit, and the matter was adjourned to 24.10.2019. In the meantime, one

advocate from Tenkasi Bar approached the learned judge seeking for a favour in this matter, which was stoutly denied by the learned judge. Thereafter, when the matter was listed for hearing, the learned Judge not willing to hear the case, and made a request to the Principal District Judge to transfer the case to some other court. However, on the assurance given by counsel appearing for both sides that, they are willing to argue before the learned Judge, the I.A. was posted for further hearing. On 24.10.2019, the arguments of petitioners are fully heard, and the case was adjourned to 01.11.2019 for further hearing. When the matter was taken up for hearing on 01.11.2019, the counsel, who was trying to influence the learned Judge, was sitting in the court. Hence, the learned Judge has adjourned the case to 16.12.2019.

5. Thereafter, when the matter was taken up for hearing on 16.12.2019, on that day only, the copy of the order in C.R.P. 3429 of 2019 dated 18.11.2019 has been placed before the court. On that day, the petitioner was fully heard, and the 1st respondent was also heard in part, and the matter was adjourned

to 02.01.2020, as the learned Judge was on leave on that day, the case was adjourned to 09.01.2020. According to the learned Judge, since he has received the copy of the order only on 16.12.2019, still he has time to dispose the I.A.

6. Today, when the matter taken up for hearing, Mr.V.Selvaraju, learned counsel appearing for petitioners would contend that, immediately after the order passed by this Court in the earlier Civil Revision Petition, the petitioners have filed an application seeking for advance hearing, that application was not considered by the learned judge. Hence, the report submitted by the learned Judge is not correct. However, from the perusal of records, it could be seen that, even though the application was filed much earlier, the above application has been listed before the learned Judge only on 16.12.2019, and on that day, he has dismissed the application as infructuous. Hence, the submission of learned counsel cannot be countenanced.

7. Be that as it may, considering the facts and circumstances of the case, as the learned III Addl. District Judge is allegedly influenced by some third parties, and the learned Judge has also expressed his unwillingness to hear the suit, I am of the view, in the interest of justice, the matter may be transferred to Principal District Judge, Coimbatore, to hear the suit as well as the interlocutory application. Now, it is stated that, there is two more suits also pending viz., O.S.s 583 and 867 of 2019 in respect of very same issue. Hence, all the three suits are hereby withdrawn from the file of III Addl. District Judge, Coimbatore, and transferred to the file of Principal District Judge, Coimbatore. The Principal District Judge is directed to dispose the I.A. 2 of 2019 in O.S. 687 of 2019 on or before 07.02.2020, and the parties are directed to co-operate with the learned Judge for disposing the application without asking for any unnecessary adjournments. With the above direction, this Civil Revision Petition stands disposed of. No costs. Consequently, the connected Civil Miscellaneous Petition in C.M.P. 416 of 2020 is closed.

8. So far as the report submitted by the learned III Addl. District Judge, Coimbatore is concerned, it is stated that, third parties are trying to influence him, seeking favourable orders, which amounts to interfering with administration of justice, and it is always open to the learned Judge to initiate appropriate proceedings against the persons, who are all trying to influence the learned judge.

13.01.2020

Index:Yes/No
Internet:Yes
Speaking/Non-speaking order
rpp

Note : Issue order copy on 20.01.2020

To

III Addl. District Judge,
Coimbatore.

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V.BHARATHIDASAN,J.

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and
C.M.P. 416 of 2020

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