

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2020

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

O.S.A.Nos. 66 & 67 of 2020

Rev.K.Victor

... Appellant
in both OSAs

Vs.

1.Jones Prasanna Doss

2.India Evangelical Lutheran Church (IELC),
Rep. by its General Treasurer,
Rev. R.Vijayakumar,
Having Office at No.47, Eldams Road,
Teynampet, Chennai - 600 018.

3.Baulsundar

4.R.Bennet Stephenson

... Respondents
in both OSAs

PRAYER : Appeals filed under Order XXXVI Rule 9 of O.S. Rules
r/w under Clause 15 of Letters Patent Act against the order
dated 18.12.2019 made in A.Nos.8281 and 8282 of 2019 in
Tr.C.S.No.741 of 2017.

Prayer:

A.8281/2019:

Application praying that this Hon'ble Court be pleased to
direct the Interim Administrator of the Plaintiff Church to
reject all past, present and future representations by any
members alleged to have been elected on 26/05/2017 under the
banner Indian Evangelical Lutheran Church -Ambur Synod"
registered as No.11/14 on the file of Registrar of Societies
Vellore.

A.8282/2019:

Application praying that this Hon'ble Court be pleased to
direct the Interim to take steps to delete the name of the
Society IELC Ambur Synod registered as No.11/14 on the file of
Registrar of Societies Vellore, as it is misleading and
confusing with the Plaintiff Society.

For Appellants : Mr.L.Chandrakumar
(in both OSAs) : for M/s.B.Gopalakrishnan

For Respondents : Mrs.Chitra Sampath, Sr.Counsel
(in both OSAs) : for Mr.T.S.Baskaran for R1
: Mr.S.Ravindran, Sr. Counsel
for Mr.S.Basheer Ahamed
for Administrator

COMMON JUDGMENT
(Delivered by M.M.SUNDRESH, J)

These appeals have been preferred by the appellant aggrieved over the order passed by the learned Single Judge in A.Nos.8281 and 8282 of 2019 in Tr.C.S.No.741 of 2017, by which, the following directions have been issued:-

"(i) The learned Administrator is directed to initiate necessary action to call upon the Registrar of Societies, Vellore, to direct the society, which is presently registered as IELC - Ambur Synod, Registration No.11/2014 on the file of the Registrar of Societies, Vellore, to change its name by substituting it with a name that is not closely or deceptively similar to that of the first Respondent society. For such purposes, the learned Administrator is entitled to take all necessary assistance, including by appointing an Advocate or any other appropriate persons. A copy of this order may be forwarded to the Registrar of Societies along with the application.

(ii) All the appointments made by the first Respondent Society of office bearers or members of IELC - Ambur Synod Registration No.11/14 to positions or posts either in the first Respondent Society or to entities affiliated to it are hereby annulled. The positions or posts that are vacated as a consequence may be filled-up as per the bye-laws or rules and regulations of the Society or the affiliated entity, as the case may be."

2. The learned counsel appearing for the appellant would submit that the said order has got civil consequences. The consequential order passed by the learned Administrator would also impact the appellant. The learned Administrator does not have power to act independently without the approval of the C.E.O. Therefore, the order passed by the learned Single Judge would require interference.

3. The learned Senior Counsel appearing for the first respondent would submit that the direction is only for removal of the office bearers of the Ambur Synod Registration No.11/14 alone. Secondly, the learned Administrator has acted independently de hors the order passed by the learned Single Judge. This issue is also the subject matter of the suit. Hence, no interference is required.

4. We do not wish to go into the rival contentions made. The appellant is aggrieved against the direction issued by the learned Single Judge on the premise that he has not been heard. If that be so, he can very well approach the learned Single Judge and seek to modify, set aside or vary the same.

5. In such view of the matter, we are disposing of the appeals by giving liberty to the appellant to raise all the contentions before the learned Single Judge. Inasmuch as the appellant has approached this Court, we permit the appellant to file such an application within a period of two weeks from the date of receipt of a copy of this judgment.

6. Registry shall not raise the issue of delay in numbering the applications as the appellant is pursuing his remedy before this Court. The appellant is at liberty to seek appropriate interim order before the learned Single Judge.

7. The Original Side Appeals stand disposed of accordingly. No Costs. Consequently, connected C.M.P.Nos.2339 & 2340 of 2020 are closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

ssm

Note:1. Issue copy of the order on 13.02.2020.

2. Registry is directed to mark a copy of this judgment to the learned Administrator.

To

The Sub Assistant Registrar
Original Side
High Court, Madras.

To

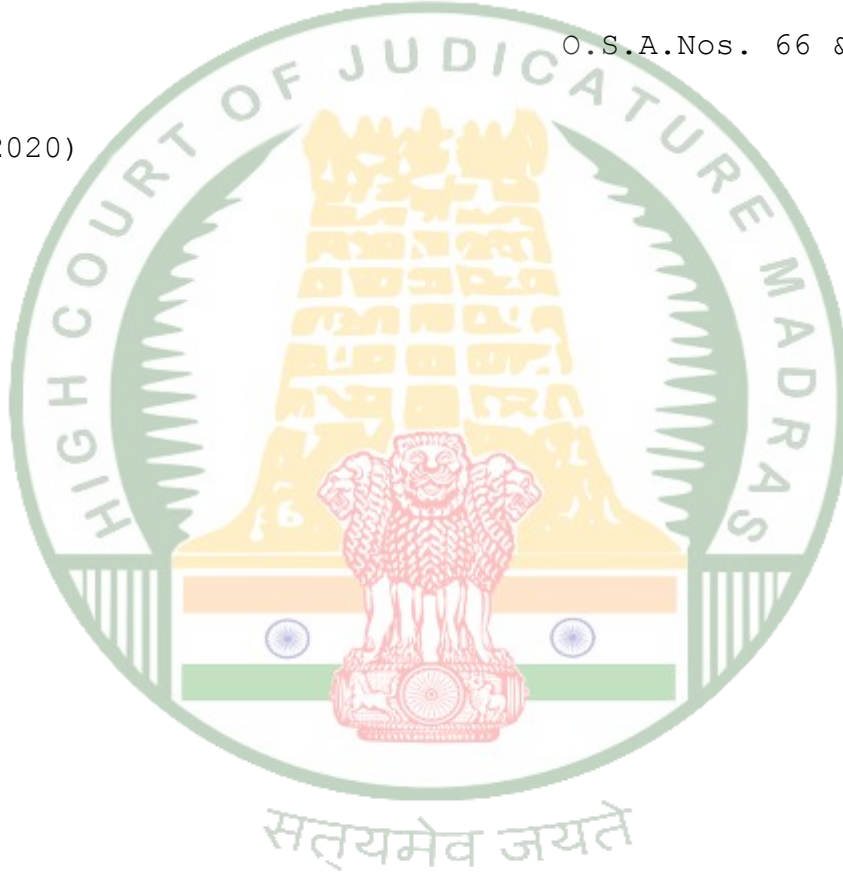
The Hon'ble Mr. Justice D. Hariparanthaman
Judge(REtd.,) High Court, Madras
No.2, First Main Road, Kamaraj Nagar,
Tiruvanmiyur, Chennai-41
(Enclosed Covering Letter)

+2 CCS to Mr.T.S.Baskaran, Advocate sr 11173.

+2 Ccs to Mr.B. Gopalakrishnan, Advocate sr 10743

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PPA(CO)
SP(13/02/2020)



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