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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2021

C O R A M

THE HON'BLE MR. JUSTICE **KRISHNAN RAMASAMY**

Rev.Aplc(MD) No.59 of 2020

and CMP (MD)No.10224 of 2019

in CRP (MD)No.1412 of 2019

Dr.R.Christian Ebenezer ..Petitioner in Rev.Aplc(MD) No.59/20

The Church of South India,
Kanyakumari Diocese,
Rep by its Moderator and Bishop in Charge,
CSI Diocesan Office, 71a,
Dennis Street, Agastheeswaram Taluk,
Nagercoil, Kanyakumar

... Petitioner in CMP(MD). 10224/ 2019

Vs

1.The Church of South India,
Kanyakumari Diocese,
Rep by its Moderator & Bishop incharge,
CSI Diocesan Office,
No.71A, Dennis Street,
Agastheeswaram Taluk,
Nagercoil, Kanyakumari District.

2. The Moderator & The Bishop-incharge,
Church of South India,
CSI Diocesan Office,
No.71A, Dennis Street,
Agastheeswaram Taluk,
Nagercoil, Kanyakumari District.

3. The Administrative Secretary,
Church of South India,
CSI Diocesan Office,
No.71A, Dennis Street,
Agastheeswaram Taluk,
Nagercoil, Kanyakumari District.

4.A.Jeba Suji
Pastor, CSI Church,
Office at Parsonage,
CSI Church Paloor,
Karungal Post, Midalam Village,
Vilavancode Taluk,
Kanyakumari District



5. Muthusamy Christudhas,
Convenor,
Church of South India,
CSI Diocesen Office,
71A, Dennis Street,
Agastheeswaram Taluk,
Nagercoil, Kanyakumari District.

... Respondents in Rev.Aplc(MD) No.59/20

1. R.Christian Ebenezer,
S/o.Ramakrishnan, 205, Nellikkavilai,
Paloor, Karungal Post, Paloor Village,
Villacancode Taluk, Kanyakumari District.

2. The Moderator and the Bishop In Charge,,
Church of South India,CSI Diocesen Office,
71a, Dennis Street, Agastheeswaram Taluk,
Nagercoil, Kanyakumari District.

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

4. A.Jeba Suji, Pastor,
C.S.I.Church Paloor, Karungal Post,
Midalam Village, Vilavancode Taluk,
Kanyakumari District.

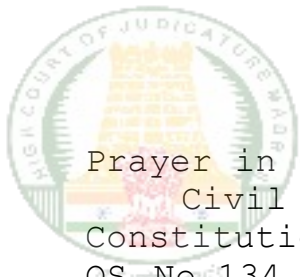
5. Muthusamy Christudhas, Convenor,
Church of South India, CSI Diocesen Office,
71a, Dennis Street, Agastheeswaram Taluk,
Nagercoil, Kanyakumari District.

... Respondents in CMP(MD). 10224/ 2019

Review filed under Order XLVII Rule 1 and 2 read with Section 114 of Civil Procedure Code to review the order passed by this Court dated 23.09.2019 passed in CRP (MD)No.1412 of 2019.

Prayer in CMP(MD). 10224 of 2019 :

Pleased to issue appropriate Orders of Modification so as to direct the 1st Respondent to handover the church documents in original viz., 1. Accounts Book of 01.06.2015 ti 31.07.2017, 2. Fixed Deposits Bond, 3. Bank pass Book, 4. Cheque Books, 5. Construction Account Books, 6. Land Deeds, 7. Keys of the Church Bureau, forthwith to the secretary of the Ad Hoc Committee appointed in pursuance to the orders of this Hon'ble Court dated 23.09.2019 in CRP (MD)No.1412 of 2019.



Prayer in CRP(MD). 1412 of 2019 :

Civil Revision Petition filed under Article 227 of the Constitution of India, to call for records in IA No.367 of 2018 in OS 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 in Rev.Aplc(MD) No.59/20 :Mr.R.Lakshmanan
and R1 in CMP(MD). 10224/ 2019

For 1st Respondent :Mr.Issac Mohanlal
in Rev.Aplc(MD) No.59/20 Senior Counsel for
and Petitioner in Mr.F.Deepak
CMP(MD). 10224/ 2019

ORDER

The present Review Application is filed to review the order passed by this Court in CRP (MD)No.1412 of 2019 dated 23.09.2019.

2. The grievance of the review petitioner is that his name was removed from the voters' list for the election, to be held on 30.01.2021. Learned counsel appearing for the review petitioner submits that the review petitioner is ready to handover the originals of the following documents:

1. Fixed Deposits bond
2. Bank Pass book
3. Cheque Books
4. Construction account books
5. Keys of the Church Bureau
6. Accounts Book

He further submits that the land deeds of the Church, purchased after 2010, are in the custody of Sub Court Padmanabapuram in A.S.No.40 of 2015 and the deeds before the year 2010 is in the custody of Bishop CSI, Kanyakumari Diocese. Merely not handing over of those documents, they have removed revision petitioner's name from the voters' list, which is against the constitution of the Church. However, the petitioner has handed over copy of all the documents as per the Order of this Court.

3. On the other hand, Mr.Issac Mohanlal, learned Senior Counsel appearing for the Church of South India/first respondent herein submits that they have filed an application in CMP(MD) No.10224 of 2019 seeking for appropriate direction to modify the order passed by this Court on 23.09.2019 in CRP(MD)No.1412 of 2019.



4. The relevant portion of the order passed by this Court on 23.09.2019 is extracted herein under for ready reference:-

" 8.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."

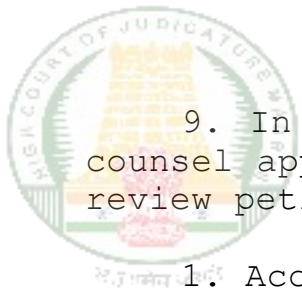
5. Learned Senior counsel further submits that the first respondent/review petitioner has failed to furnish the following originals:-

1. Accounts Book for the period from 01.06.2015 to 31.07.2017
2. Fixed Deposits Bond
3. Bank Pass Book
4. Cheque Books
5. Construction Account Books
6. Land Deeds
7. Keys of the Church Bureau
8. Expense Vouchers
9. Receipt Books
10. Community Hall Account Books
11. Audit Reports

6. In reply, MR.R.Lakshman, learned counsel appearing for the review petitioner fairly submits that he is ready to hand over all the original. However, he submits that since he has not handed over all the originals, his name was removed from the voters' list. However, he submits that he has no issue in handing over all the originals and further submits that he has filed an affidavit to that record.

7. Heard Mrs.Issac Mohanlal, learned Senior counsel for the first respondent/The Church of South India and perused the materials available on record.

8. On perusal, no such undertaking, as stated by the learned counsel for the review petitioner, is available on the records of the Court.



9. In view of the submissions made by Mr.R.Lakshman, learned counsel appearing for the Review Petitioner, this Court direct the review petitioner to furnish the following original documents:-

1. Accounts Book for the period from 01.06.2015 to 31.07.2017
2. Fixed Deposits Bond
3. Bank Pass Book
4. Cheque Books
5. Construction Account Books
6. Land Deeds
7. Keys of the Church Bureau
8. Expense Vouchers
9. Receipt Books
10. Community Hall Account Books
11. Audit Reports

10. It is made clear that all the above original documents shall be furnished to Paster of the Church of the Church of South India, Kanyakumari Diocese before 8.00 p.m today (29.01.2021)

11. Mr.Issac Mohanlal, learned Senior Counsel submits that on furnishing of all the original documents as stated above, the review petitioner will be permitted to vote in the election to be held on 30.01.2021.

12. Further, it appears that the review petitioner has furnished books of accounts upto 15.09.2018 and therefore, the review petitioner is directed to furnish all the books of accounts up to the order dated 23.09.2019 before 8.00 p.m today (29.01.2021).

13. It is made clear that on production of all the original documents by the review petitioner before 8.00 p.m today (29.01.2021) as directed by this Court, the first respondent Church is directed to permit the review petitioner to vote in the election, to be held on 30.01.2021.

14. In view of the above direction, no further order is required in this Review Petition and the same is dismissed. No costs. Consequently, connected miscellaneous petition is disposed of.

Sd/-

Assistant Registrar(CO)

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Sub Assistant Registrar(CS)



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+1 CC to M/s.F.DEEPAK, Advocate (SR-2547[F] dated 01/02/2021)

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