

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 22nd DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE V.PARTHIBAN

C.S.No.8 of 2000
and
A.No.2293 of 2021

Mr.Jhon Kennady,
S/o Gnana Sundaram (Late),
Residing at 4/490, Main Road,
Subbulapuram, Sankarankovil Taluk,
Tenkasi District – 627753.

: Plaintiff

Vs

1.The Church of South India,
Represented by its General Secretary,
5, Whites Road, Royapettah,
Chennai – 14.

2.The Most Rev.Moderator,
Church of South India,
5, Whites Road, Royapettah,
Chennai – 14.

3.The Rt.Rev. Deputy Moderator,
Church of South India,
5, Whites Road, Royapettah,
Chennai – 14.

4.The General Secretary,
Church of South India,
5, Whites Road, Royapettah,
Chennai – 14.

5.The Treasurer,
Church of South India,
5, Whites Road, Royapettah,
Chennai – 14.

: Defendants

Civil Suit praying that this Hon'ble Court be pleased to:-

i) Declare that the Synod meeting proposed to be conducted from 11th January to 14th January 2020 in trichy or on subsequent days in any other place by the defendants without to the elected members or Tirunelveli Diocese to the Synod is illegal, null and void.

ii) Grant a permanent injunction restraining the defendants from conducting the CSI Synod meetings in Trichy from 11th of January 2020 to 14th January 2020 or on any subsequent dates in any other place without prior notice to the plaintiff.

iii) Grant a permanent injunction restraining the defendants from preventing the plaintiff from participating in the CSI Synod meetings to be conducted by the defendants in Trichy from 11th of January 2020 to 14th January 2020 or on any subsequent dates in any other place.

iv) direct the defendants to pay the cost of the proceedings.

A.No.2293 of 2021:-

1.The Church of South India,
rep. by its General Secretary,
5, Whites Road, Royapettah,
Chennai – 14.

2.The General Secretary,
Church of South India,
5, Whites Road, Royapettah,
Chennai – 14.

... Applicants/
Defendants – 1 & 4

Vs

1.Mr.Jhon Kennady,
S/o Gnana Sundaram (Late),
residing at 4/490, Main Road,
Subbulapuram, Sankarankovil Taluk,
Tenkasi District – 627753.

...1st Respondent/Plaintiff

2.The Most Rev.Moderator,
Church of South India,
5, Whites Road, Royapettah,
Chennai – 14.

3.The Rt.Rev.Deputy Moderator,
Church of South India,
5, Whites Road, Royapettah,
Chennai – 14.

4.The Treasurer,
Church of South India,
5, Whites Road, Royapettah,
Chennai – 14.

... Respondents – 2 to 4/
Defendants 2,3 & 5

Application praying that this Hon'ble Court be pleased to dismiss the
suit in C.S.No.8 of 2020 with costs.

This Civil Suit alongwith the Application coming on this day before
this court for hearing in the presence of Mr.M.A.Gouthaman, Advocate for
the Plaintiff in C.S.No.8 of 2020 and for the 1st respondent in A.No.2293 of

2021, and Mr.Adrian D.Rozario, Advocate for the Applicants in A.No.2293 of 2021 and for the defendants in C.S.No.8 of 2020 and this court having observed that this court does not find any worthy cause of action surviving for adjudication of this court and this court is of the view that prayer (i) has worked itself out due to passage of time and is liable to be dismissed. **it is ordered as follows:**

That the suit in C.S.No.8 of 2020 be and is hereby dismissed.

2. That the connected Application No.2293 of 2021 do stand closed.

3. That there shall be no costs.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 22nd DAY OF SEPTEMBER 2021.

Sd/-

ASSISTANT REGISTRAR (O.S.I)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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08.01.2022

C.S.No.8 of 2000
and
A.No.2293 of 2021

ORDER :-

DATED: 22.09.2021

THE HON'BLE MR. JUSTICE
V.PARTHIBAN

FOR APPROVAL: 10.01.2022

APPROVED ON: 11.01.2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2021

Coram

The Hon'ble Mr. Justice **V.PARTHIBAN**

C.S.No.8 of 2020

and

Application No.2293 of 2021

Mr.Jhon Kennady

...Plaintiff

Vs.

1.The Church of South India,
Rep by its General Secretary,
5, Whites Road, Royapettah,
Chennai - 14.

2.The Most Rev.Moderator,
Church of South India,
5, Whites Road, Royapettah,
Chennai - 14.

3.The Rt.Rev.Deputy Moderator,
Church of South India,
5, Whites Road, Royapettah,
Chennai - 14.

4.The General Secretary,
Church of South India,
5, Whites Road, Royapettah,
Chennai - 14.

5.The Treasurer,
Church of South India,
5, Whites Road, Royapettah,
Chennai - 14.

...Defendants

Plaint filed under Order VII Rule 1 C.P.C and Order IV Rule 1 of O.S.Rules praying to

i) Declare that the Synod meeting proposed to be conducted from 11th January to 14th January 2020 in Trichy or on subsequent days in any other place by the defendants without notice to the elected members or Tirunelveli Diocese to the Synod is illegal, null and void.,

ii) Grant a permanent injunction restraining the defendants from conducting the CSI Synod meetings in Trichy from 11th of January 2020 to 14th January 2020 or on any subsequent dates in any other place without prior notice to the plaintiff.

iii) Grant a permanent injunction restraining the defendants from preventing the plaintiff from participating in the CSI Synod meetings to be conducted by the defendants in Trichy from 11th of January 2020 to 14th of January 2020 or on any subsequent dates in any other place.

iv) direct the defendants to pay the cost of the proceeding.

For Plaintiff : Mr.M.A.Gouthaman

For Defendants : Mr.Adrian D.Rozario

JUDGMENT

Today, when the matter is taken up for hearing, the learned counsel for the plaintiff has submitted that he is not pressing prayers (ii) & (iii) as contained in the plaint. However, he has attempted to impress upon this

Court that the suit to be kept pending in respect of prayer (i) in the plaint. The learned counsel for the defendants brought to the knowledge of this Court that the Synod meeting was conducted as early as in the month of January, 2020 in the absence of any interim order in the present proceedings. Elections to the various officers to the Synod had been completed and persons assumed office on 10 January, 2020 itself and been functioning as such till date. The above statement of fact is not disputed. When prayers (ii) and (iii) are given up by the plaintiff himself, the question of keeping the suit pending on the file of this Court, will not serve any useful purpose, other than mischievously and maliciously keeping the 'lis' alive at the cost of precious time of this Court.

2. In the above circumstances, this Court does not find any worthy cause of action surviving for adjudication of this Court. This Court is therefore of the view that prayer (i) has worked itself out due to passage of time and is liable to be dismissed.

3. Accordingly, the suit stands dismissed. No costs. Consequently, the connected application stands closed.

Sd./-V.P.N.J.
22.09.2021

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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