



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Thursday, the Fourth day of March Two Thousand and Twenty One

PRESENT

The Hon'ble Mr.Justice R.SUBRAMANIAN

SA(MD) . No.708 of 2020

- 1 Holy Family Church, Rep. by its President
M.Jesu Raja Rethnam
 - 2 Holy Family Church, Rep. by its Secretary
M.Mariya Antony Xavier
- ...Appellant/Respondents 1 and 2/Plaintiffs 1 and 2

Vs

- 1 Alber M.Mathiarasu
 - 2 D. Juliyan
 - 3 B. Jesuph Antony
 - 4 F. Swamidas
 - 5 S. Leone Jesu Retam
 - 6 G. Michael Antony
- ...Respondents 1 to 6/Appellants 1 to 6/Defendants 3 to 8
- 7 Holy Family Church Trust,Rep. by its Treasurer
J.Apolin Charles
- ...7th Respondent/3rd Respondent/3rd Plaintiff
- 8 The Most Rev. Nazarene Soosai,
the Bishop Kottar R.C.Diocese, Bishop House
- ...8th Respondent/4th Respondent/1st Defendant
- 9 Rev. Fr. Patrick Xavier, Parish Priest,
Holy Family Church,
- ...9th Respondent/5th Respondent/2nd Defendant

Prayer :-

Second Appeal is filed under section 100 of Civil Procedure Code, praying this Court to call for records relating to the impugned judgment and decree dated 17-12-2020 made in A.S.No.2 of 2020 on the file of the Principal District Judge, Nagercoil, reversing the judgment and decree dated 20-12-2019 made in O.S.No.135 of 2019 on the file of the I Additional Subordinate Judge



ORDER:-

Second Appeal coming up for hearing on this day and upon perusing the Memorandum of grounds of Second Appeal and upon hearing the arguments of Mr.Vallinayagam, Senior Counsel for Mr.N.Dilip Kumar, Advocate for the Appellants and of Mr.S.Meenakshi Sundaram, Senior Counsel for Mr.G.Anto Prince, Advocate for the Respondents No.1 to 3, and Mr.Karuppiyah, Advocate for the Respondents 8 and 9, this Court made the following order:

Heard Mr.Dilip Kumar, the learned counsel appearing for the appellants, Mr.S.Meenakshisundaram, the learned Senior counsel and Mr.Anto Prince, the learned counsel appearing for the respondents 1 to 6 and Mr.T.Arul, the learned Advocate Commissioner, who was appointed to conduct election for the appellant Church.

2.I had disposed of the Second Appeal in S.A(MD) No.708 of 2020 by order dated 11.01.2021, directing the Advocate Commissioner to conduct the election and hand over the administration of the Church to the elected persons. The Commissioner had in fact taken over the administration of the Church by virtue of the order of this Court dated 23.12.2020, on 26.12.2020.

3.From the report filed by the Commissioner, which runs four volumes, I find that the Commissioner has performed his task in a stupendous manner. Apart from conducting the elections, he has also administered the Church for nearly 46 days as an Administrator. The learned Advocate Commissioner deserves all praise for the humongous task performed by him. This Court places on record its appreciation and gratitude for the task performed by the Commissioner.

4.It is seen from the records that the Commissioner was paid Rs.1 Lakh, as initial remuneration. Upon going through the Report of the Commissioner, and upon hearing the learned counsel for the parties, I find that the Commissioner should be paid substantial additional remuneration, which will commensurate with the work done by him. I therefore, fix the additional remuneration at Rs.3 Lakhs, out of which, a sum of Rs.1 lakh is to be paid by the respondents 1 to 6, as offered by their counsel. The remaining Rs.2 lakhs shall be paid from the funds of the appellant Church by the new officer bearers.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



To

1 The Principal District Judge, Kanniyakumari at Nagercoil

2 The I Additional Subordinate Judge Nagercoil

Copy to :

1. Mr.T.Arul, Advocate Commssioner,
(Enrollment No.711 of 1997),
Plot No.12, Kasim Residency,
Near High Court, Y.Othakadai, Madurai
(Cell No.9894130902)

2.The President,
M/s.Holy Family Church,
Nagercoil Village,
Agasteeswaram Taluk, Kanyakumari District

3.The Secretary,
M/s.Holy Family Church,
Nagercoil Village,
Agasteeswaram Taluk, Kanyakumari District

4.The Court Manager,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.Arul, Advocate SR No.9248

+1cc to Mr.N.Dilip Kumar, Advocate SR 9239

+4ccs to Mr.G.Anto Prince, Advocate SR 8856

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