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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 23244 of 2021 (O&M)
Date of Decision: 20.12.2021

Shamin Sylvaster Gamal

-Petitioner

Versus

Church of North India and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Brijesh, Advocate,
for the applicant.

Mr. Anshuman Singh, Advocate,
for respondent No.1.

Mr. Manish Joshi, Advocate,
for respondents No.2 and 3.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioner has preferred this writ petition for the issuance of an appropriate writ, order or direction, especially in the nature of certiorari, quashing the impugned decision dated 11.02.2021 taken by Synod of the Church of North India.

Admittedly, a civil suit No.1025 of 2021 has already been filed by one Feroze Gandhi @ Feroze Masih against Church of North India and others along with an application

under Order 39 Rules 1 and 2 CPC. The civil Court vide order dated 24.09.2021 has restrained the defendants therein from holding any meeting and proceeding of alleged illegal adhoc committee, allegedly appointed by defendant No.1, except in due course of law till disposal of the case/suit.

During course of arguments, learned counsel for respondent No.1 has apprised this Court that against the aforesaid order dated 24.09.2021, two appeals are pending before the lower Appellate Court. One appeal is at the instance of present respondent No.1 and the second appeal is at the instance of respondents No.2 and 3. Both the appeals are pending for 22.12.2021 for pronouncement of order.

Learned counsel for the respondents jointly submitted that as of now, no Executive Committee is managing the affairs of diocese of Chandigarh, Church of North India. Only respondent No.3 is functioning as moderator's Commissary on behalf of moderator, whose appointment or continuance is also under challenge in the Court at Delhi.

Learned counsel for respondent No.1 also apprised this Court that the present petitioner has also filed an application under Order 1 Rule 10 CPC in one of the pending appeals before the lower Appellate Court at Gurdaspur, but subsequently, he withdrew the said application.

In the present writ petition, the petitioner in a way seeks restoration of Executive Committee of diocese of Chandigarh, which is precisely the subject matter of civil suit also. The petitioner if so advised may get himself impleaded in the pending suit in accordance with law. As on date, no parallel proceedings can be maintained in respect of one cause of action.

In view of aforesaid factual position, no interference is called for in this petition.

Dismissed.

20.12.2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE