

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No. 3548 of 2021 (O&M)

Date of Decision:31.12.2021

Feroze Gandhi @ Feroze Masih

.....Petitioner

Versus

Church of North India and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Suvir Sidhu, Advocate
and Mr. Brijesh, Advocate
for the petitioner.

Mr. Brijmohan, Advocate
for Mr. Manish Joshi, Advocate
for caveator/respondents no.1 and 2.

LISA GILL, J(Oral).

This revision petition has been filed for setting aside order dated 23.12.2021, Annexure P-7, passed by the learned Additional District Judge, Gurdaspur.

Petitioner filed suit for declaration to the effect that letter no. CNI: SYN: GS:C-14-A/D-8/2021-238 dated 11th February, 2021 issued by defendant no.1, thereby dissolving the duly elected Executive Committee of which the plaintiff is the elected member of the Diocese of Chandigarh, CNI (defendant no.2), is illegal, null, void, arbitrary, non-est, having been issued without affording any opportunity of being heard, against the law of natural justice, and thus not binding upon the plaintiff and the plaintiff is still the member of the Executive Committee of the Diocese of Chandigarh, CNI defendant no.2, with the consequential relief of permanent injunction and restraining defendants from holding any meeting/s of alleged illegal Ad-hoc Committee allegedly appointed by the Executive Committee of Church of North India Synod (defendant no.1) and from taking any decision/s

whatsoever as it is only the duly elected Executive Committee of defendant no.2 of which the plaintiff is duly elected member which has the right to continue.

An application under Order 39 Rule 1 and 2 CPC was filed along with the said suit, which was decided by the learned trial Court on 24.09.2021, wherein the respondent-defendants were “restrained from holding any meetings of alleged illegal adhoc Committee allegedly appointed by defendant no.1 and proceedings of the Committee concerned, except in due course of law, till disposal of the case”.

Appeal challenging the said order dated 24.09.2021, was filed by respondents no. 1 to 3 and an application seeking stay of the said order was also filed.

It is submitted that arguments on the said application were partly heard on 23.12.2021 and the matter adjourned to 07.01.2022 while observing as under:-

“Counsel for the parties have already partly argued the stay application. Counsel for the appellant has stated that Christmas is now coming and they have to celebrate Christmas and now after tomorrow winter vacations are coming. Till then great prejudice would be caused to the appellant after winter vacations if in the meantime enforcement/ execution of impugned order under challenge is not stayed. This contention has been opposed by the counsel for the opposite party. Heard and considered. Above situation is not disputed one as stated by the counsel for the appellant. Hence, in the interest of justice, till further order execution/ enforcement of impugned order under challenge shall remained stayed. Adjourned to 07.01.2022. To come up on date fixed for remaining arguments.”

Learned counsel for the petitioner argued that in the garb of the

said order, certain important and relevant decisions are sought to be taken by the respondents which are as under:-

- Election of Bishop of the Diocese of Chandigarh-CNI.
- Planning for the forthcoming Diocesan Council of the Diocese of Chandigarh-CNI.

However, learned counsel for the respondent-caveators on specific instructions submits that till 07.01.2022, no such decision shall be taken by the Committee.

In this view of the matter, this revision petition is rendered infructuous as it appears that impugned order was passed on account of Christmas celebrations.

Revision petition is disposed of accordingly. Needless to say, the matter would be decided by the learned Additional District Judge, Gurdaspur, on 07.01.2022 in accordance with law.

31.12.2021
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.