



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 21st DAY OF MARCH 2022

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.S.No. 626 of 2011

1.Mr.Dennis Timothy, ***(Deceased)**

S/o Late P.A.Timothy,
No.21, Olympic Colony,
I Main Road,
2nd Cross Street,
Mogappair, Chennai – 600 050.

2.Mr.M.James Paul Rajan,
S/o Late M.C.Bhaskara Rao,
439/2, Royal Enclave,
III Avenue, Anna Nagar East,
Chennai – 600 102.

3.Mr.David Prasad,
S/o Late D.C.Raja Rao,
No.5/9, Lakshmi Street,
Purasawalkam, Chennai – 600 084.

: Plaintiffs

*** Amended as per order dt 15/2/2022
on memo dt 14/2/2022 in C.S.No.626 of 2011**

-Versus-

1.The Church of Jehovah – Summah,
(Regd.No.54/1958)
Rep. by its Secretary
H.V.Srinivasan,
No.4, Church Lane,
Ritherdon Road, Vepery,
Chennai – 600 007.



2. Mr. H. V. Srinivasan ***(Deceased)**

Office at No.4, Church Lane
Ritherdon Road, Vepery,
Chennai – 600 007.

: Defendants

*** Amended as per order dt 15/2/2022
on memo dt 14/02/2022 in C.S.No.626 of 2011.**

Civil Suit praying that this Hon'ble Court be pleased to pass a judgment and decree against the defendants as follows:-

a) directing the removal of the 2nd defendant herein from the member of the 1st defendant Church since he continues as Secretary for 3 terms illegally and perpetrated so many illegalities detrimental to the interest of the 1st defendant society/church herein.

b) to appoint an interim administrator who being a retired Judge of this Hon'ble Court to look into the list of the existing members verify the validity in accordance with bye-laws and enrol new members to the 1st defendant church for proper and better administration in future;

c) directing the defendants 1 and 2 herein to furnish statement of accounts of the year from 2007 till date before this Hon'ble Court;

d) surrender all the documents of title and properties illegally acquired by the 2nd defendant and his coterie from and out of the 1st defendant funds as well as from the worshippers of 1st defendant;



e) framing a scheme for proper and efficient administrators of the

Ist defendant church;

f) for cost of the suit;

This suit coming on this day before this court for hearing in the presence of Mr.M.Balasubramanian, advocate for the Plaintiffs herein and M/s Paul and Paul, advocates for the defendants herein, and upon reading the plaint, and the affidavits of N.James Paul Rajan and David Prasad filed herein, and the learned counsel for the plaintiffs having submitted that the 2nd defendant namely H.V.Srinivasan, and one G.Jeremiah and Victor Thiagarajan are the members of the 1st defendant/church and they had filed an undertaking affidavit before this court on 31.03.2015 stating that the properties purchased in their individual capacity were only for the benefit of the 1st defendant / church and they will not claim any right or title over the properties and also submitted that since the 2nd defendant died, the 1st and 2nd prayer in the above suit has become infructuous, and with regard to the 3rd prayer, the learned counsel for the plaintiffs having submitted that the three persons who gave undertaking before this court have already passed away, and at present, their legal heirs are withholding the original documents, hence, the present office bearers of the 1st defendant/church may

be permitted to approach the legal heirs of the said deceased to receive the



original documents and plaintiffs may be granted liberty to take appropriate action against them in case they did not handover the documents to be proceeded further, in accordance with law, and the learned counsel for the plaintiffs has also filed a memo dated 16.03.2022 to that effect, and this court doth recording the same, **it is ordered as follows:-**

That the 1st and 2nd prayer in the suit, has become infructuous, and this court is not inclined to pass any orders with regard to the said prayer.

2. That as far as the 3rd prayer is concerned, the present office bearers of the 1st defendant/church, be and are hereby directed to produce the statement of accounts from the year 2007 till date to the plaintiffs within a period of six months from the date of receipt of a copy of this order.

3. That the legal heirs of the defendants be and are hereby directed to surrender all the documents of title and properties illegally acquired by the 2nd defendant and his coterie from and out of the 1st defendant funds as well as from the worshippers of the 1st defendant herein.

4. That the office bearers of the 1st defendant/church, shall be at liberty to proceed further to transfer the properties illegally acquired by the legal heirs of the deceased, in the name of the church.

5. That since the 2nd prayer has become infructuous, the 5th prayer cannot be considered by this court.



6. That there shall be no costs of this suit.

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WITNESS THE HON'BLE MR.JUSTICE MUNISHWAR NATH
BHANDARI, CHIEF JUSTICE, HIGH COURT AT MADRAS
AFORESAID, THIS THE 21st DAY OF MARCH 2022.

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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21.04.2022

C.S.No. 626 of 2011

ORDER :-

DATED: 21.03.2022

THE HON'BLE MRS. JUSTICE
V.BHAVANI SUBBAROYAN

FOR APPROVAL: 26.04.2022

APPROVED ON: 26.04.2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2022

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYANC.S.No.626 of 2011

1. Mr.Dennis Timothy (Deceased)

[Amended as per order dated 15.02.2022
in memo dated 14.02.2022 in C.S.No.626/2011]

2. Mr.M.James Paul Rajan

3. Mr.David Prasad

... Plaintiffs

Vs.

1. The Church of Jehovah Shummah

(Regd.No.54/1958)

Rep. by its Secretary

H.V.Srinivasan

No.4, Church Lane

Ritherdon Road, Vepery

Chennai - 600 007.

2. Mr.H.V.Srinivasan (Deceased)

[Amended as per order dated 15.02.2022
in memo dated 14.02.2022 in C.S.No.626/2011]

... Defendants

Plaint filed under Order IV Rule 1 of O.S. Rules read with Order VII

Rule 1 of CPC and Section 92 of CPC, praying for a judgment and decree as

follows :

a) directing the removal of the 2nd defendant herein from the Member
of the 1st defendant church since he continues as Secretary for 3 terms



illegally and perpetrated so many illegalities detrimental to the interest of the 1st defendant society / church herein.

b) to appoint an interim administrator who being a retired judge of this Court to look into the list of the existing members verify the validity in accordance with bye-laws and enrol new members to the 1st defendant church for proper and better administration in future.

c) directing the defendants 1 and 2 herein to furnish statement of accounts of the year from 2007 till date before this Court.

d) surrender all the documents of title and properties illegally acquired by the 2nd defendant and his coterie from and out of the 1st defendant funds as well as from the worshippers of 1st defendant.

e) framing a scheme for proper and efficient administrators of the 1st defendant church.

For Plaintiffs : Mr.M.Balasubramanian

For Defendants : M/s.Paul & Paul

JUDGMENT

The suit has been filed by the plaintiffs seeking the following reliefs :

a) To direct the removal of the 2nd defendant from the Member of the 1st defendant church since he continues as Secretary for 3 terms illegally and perpetrated so many illegalities detrimental to the interest of the 1st defendant church.

b) To appoint an interim administrator who being a retired judge of



this Court to look into the list of the existing members verify the validity in accordance with bye-laws and enrol new members to the 1st defendant church for proper and better administration in future.

c) To direct the defendants 1 and 2 to furnish statement of accounts of the year from 2007 till date before this Court.

d) To surrender all the documents of title and properties illegally acquired by the 2nd defendant and his coterie from and out of the 1st defendant funds as well as from the worshippers of 1st defendant.

e) To frame a scheme for proper and efficient administrators of the 1st defendant church.

2. When this matter was taken up for hearing on 15.02.2022, the learned counsel for the plaintiffs has filed memos dated 14.02.2022 stating that the first plaintiff died on 11.12.2013 and the second defendant died on 30.01.2017, hence their death may be recorded by this Court. Further, the learned counsel for the plaintiffs submitted that the 2nd defendant namely H.V.Srinivasan and one G.Jeremiah and Victor Thiagarajan are the



affidavit before this Court on 31.03.2015 stating that the properties purchased in their individual capacity were only for the benefit of the 1st defendant / church and they will not claim any right or title over the properties. The said memos dated 14.02.2022 have been recorded by this Court and amendments have also been carried out in the plaint.

3. It is now submitted by the learned counsel for the plaintiffs that, since the 2nd defendant died, the 1st and 2nd prayer in the above suit has become infructuous. With regard to the 3rd prayer, the learned counsel for the plaintiffs submits that the three persons who gave undertaking before this Court have already passed away, and at present, their legal heirs are withholding the original documents. Hence, the present office bearers of the 1st defendant / church may be permitted to approach the legal heirs of the said deceased to receive the original documents and plaintiffs may be granted liberty to take appropriate action against them in case they did not handover the documents to be proceeded further, in accordance with law. The learned counsel for the plaintiffs has also filed a memo dated 16.03.2022 to the above effect.

4. The said memo dated 16.03.2022 is recorded today by this Court.

In view of the submissions made and the memo filed by the learned counsel



for the plaintiffs, this Court is inclined to pass the following orders :

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i) Since it was submitted by the learned counsel for the plaintiffs that the 1st and 2nd prayer in the suit has become infructuous, this Court is not inclined to pass any orders with regard to the said prayers.

ii) As far as the 3rd prayer is concerned, the present office bearers of the 1st defendant / church is directed to produce the statement of accounts from the year 2007 till date to the plaintiffs within a period of six months from the date of receipt of a copy of this order.

iii) The 4th prayer sought for in the suit is to surrender all the documents of title and properties illegally acquired by the 2nd defendant and his coterie from and out of the 1st defendant funds as well as from the worshippers of the 1st defendant. As far as the said prayer, it would be relevant to point out the undertakings given by the then office bearers of the 1st defendant / church, which reads as follows :

“(a) That all immovable properties purchased through sale deeds in which my name is reflected were purchased only in my capacity as an elder of the Church at Jehovah Shamma and only for the beneficial use of the respective congregations



which had raised the money for the said purchase.

(b) That I or my legal heirs or successors-in-interest and others named in the sale deeds, have no personal right, title or interest in any of the said immovable properties purchased jointly as elders of the Church at Jehovah Shamma.

(c) That I or my legal heirs or successors-in-interest shall execute such documents as may be necessary to conform and clarify the title of the said properties as stated above, as and when necessary or called upon by the elders of the Church at Jehovah Shamma.

(d) That all the aforesaid immovable properties so purchased wherever situated, have been under the possession, control and management of the congregations which had raised the funds for purchase of the said properties.

(e) That no personal claim of any kind has been made against any of the said immovable properties by any of the elders of the Church at Jehovah Shamma or anyone acting through or on their behalf”

On going through the above undertakings given by the deceased persons, namely, Victor Thyagarajan, Jeremiah and H.V.Srinivasan, it is made clear that the properties purchased by them were only for the benefit of the 1st defendant / church and their legal heirs have no rights to claim any



right or title over the said properties. Hence, this Court is inclined to allow the 4th prayer. The office bearers of the 1st defendant / church are at liberty to proceed further to transfer the properties illegally acquired by the legal heirs of the deceased, in the name of the Church.

iv) With regard to the 5th prayer, this Court is of view that since the 2nd prayer has become infructuous, the 5th prayer cannot be considered by this Court.

5. In view of the above orders, the suit is decreed only in respect of the 3rd and 4th prayers. No costs.

Sd./-V.B.S.J.
21.03.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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