



C.R.P.No.2199 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2022

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.No.2199 of 2015

St.George's Cathedral Trust,
represented by its Secretary-Trustee,
Prof. D.S.Luther,
No.224, Cathedral Road,
Gopalapuram,
Chennai-600086.

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Petitioner

Vs

1. Rev.S.Immanuel Devakadatcham
The Presbyter & Chairman-Pastorate Committee,
St.George's Cathedral Church,
No.224, Cathedral Road,
Gopalapuram,
Chennai-600086.

2. Rt.Rev.V.Devasahayam,
Bishop in Madras,
Diocese of Madras,
Church of South India,
No.226, Cathedral Road,
Gopalapuram,
Chennai-600086.

...

Respondents



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Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow this Revision Petition by setting aside the order dated 15.12.2014 passed by the XVII Assistant, City Civil Court, Chennai in I.A.No.11395 of 2014 in O.S.No.1958 of 2014 and to dismiss the said IA.

For Petitioner : Mr.D.S.Phillip

For Respondents : No appearance
ORDER

This Civil Revision Petition has filed against the Judgment and Decree passed in I.A.No.11395 of 2014 in O.S.No.1958 of 2014 dated 15.12.2014 on the file of the XVII Assistant, City Civil Court, Chennai, thereby allowing the petition filed under Section 10 of CPC to stay the suit.

2. The petitioner is the plaintiff in the suit in O.S.1958 of 2014 filed for permanent injunction restraining the first respondent herein from holding any meeting of the Pastorate committee of St.George's Cathedral Church without inviting the Trustees of the petitioner's trust also seeking for permanent injunction restraining the respondents herein from withholding the transfer of all the funds collected by them for restoration work of



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St.George's Cathedral Church to the petitioner trust including the funds resolved to be transferred to the trust as per the General Body resolutions dated 22.04.2012 and also seeking permanent injunction restraining the first respondent herein from withholding the transfer of 50% of the funds collected towards wedding/reception fees and all the other funds earmarked for trust projects to the petitioner trust from 01.04.2012.

3. While the said suit is pending, the respondents filed an application to stay all further proceedings of the suit in O.S.No.1958 of 2014 on the ground that the petitioner already filed a suit before this Court in C.S.No.731 of 2012. Most of the grounds in the present suit was already raised by the petitioner in the said suit. Therefore, without the out come of the said suit, the present suit cannot be proceeded further.

4. A perusal of records revealed that the suit in C.S.No.731 of 2012 filed before this Court for declaring that the appointment of the third defendant by the first defendant is invalid and null and void and also seeking



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permanent injunction restraining the third defendant from acting as a Clergy Trustee and restraining the defendants from management and administration of the suit property.

5. The learned counsel for the petitioner would submit that now, the suit is pending before this Court and the respondent filed their written statement and ripe for trial. Therefore, he prayed to transfer the suit in O.S.No.1958 of 2014 from the file of the XVII Assistant, City Civil Court, Chennai to this Court.

6. Considering the averments made in the complaint and the parties are one and the same in both the suits, this Court is inclined to transfer the suit in O.S.No.1958 of 2014 from the file of the XVII Assistant, City Civil Court, Chennai to this Court, to club with the suit filed by the petitioner in C.S.No.731 of 2012.

7. Accordingly, the suit in O.S.No.1958 of 2014 from the file of



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the XVII Assistant, City Civil Court, Chennai is hereby transferred to the file of this Court to try it along with the suit in C.S.No.731 of 2012 filed before this Court.

8. With the above direction, this Civil Revision Petition is disposed of. No costs.

05.12.2022

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Index: Yes/No

Internet: Yes/No

Speaking Order: Yes/No

To

The XVII Assistant, City Civil Court, Chennai.

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