



C.S.No. 288 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

C.S.No. 288 of 2020

and

A.No. 3666 of 2022

1. D. Karunanidhi Mathew

2. J. Edward Inbanathan

(Deceased) As per order dated

19.02.2021 as in memo recorded

.... Plaintiffs

versus

1. The Advent Christian Conference of India,
Represented by Dr. M.G. Baktha Singh,
President A.A.M. Compound,
Gandhi Salai,
Velacherry,
Chennai – 600 042.

2. Dr. M. G. Baktha Singh,
President Incharge,
The Advent Christian Conference of India,
No. 163, A.A.M. Compound,
Gandhi Salai, Velacherry,
Chennai – 600 042.



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3. Mr. S. Victor Ilango,
Secretary Incharge,
The Advent Christian Conference of India,
No. 163, A.A.M. Compound,
Gandhi Salai, Velacherry,
Chennai – 600 042.

... Defendants

Prayer

Plaint filed under ORDER IV Rule 1 of O.S. Rules read with ORDER VII Rule 1 CPC to grant judgment and decree

- a) to declare the election notification dated 26.09.2020 calling for the General Body Meeting on 31.10.2020 as null and void.
- b) to appoint an administrator to convene a general body meeting and conduct the elections as per the 2016 byelaw of the 1st defendant
- c) to grant an order of injunction restraining the defendants from convening the general body meeting on 31.10.2020, or on any other date at Captain James Spence Hall, in the first defendant premises situate at No. 163 A.A.M. Compound, Gandhi Salai, Velacherry, Chennai – 600 042.

For Plaintiffs	:	Mr. R. Ramanlaal
For Defendants	:	Mr. Dakshayani Reddy for 1 st and 2 nd respondents Mr. C.S.K. Sathish for 3 rd respondent



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JUDGMENT

The learned counsel for the plaintiffs had filed a memo which reads as follows:

" It is submitted that the above suit is filed by the plaintiffs for declaration of the election notification dated 26.09.2020 and calling for general body meeting on 31.10.2020 as null and void and other reliefs.

Further it is submitted that due to the subsequent development happened in the above suit, the suit become an infructuous. Since the plaintiff wanted to file comprehensive suit for framing of a scheme to administer the properties belongs to the 1st defendant's church and conduct the affairs as per the bye-law-2016 implemented as per the bye-law resolution dated 26.03.2016, so the plaintiff may be permitted to withdraw the suit to file a fresh suit on the above said lines. The plaintiff prays that this Hon'ble Court may be pleased to refund the entire court fee in the name of the 1st plaintiff. Hence it is just and necessary to file this memo for withdrawal.

It is prayed that this Hon'ble Court may be pleased to permit the plaintiff



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2. In view of the memo, the suit is dismissed as withdrawn. It is seen that trial had not yet commenced. The Registry may refund the court fee to the first plaintiff, in accordance with the rules. No costs. Consequently, connected miscellaneous petition is closed.

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mrn

Index : Yes / No

Internet : Yes / No

Speaking / Non speaking



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C.V.KARTHIKEYAN, J.

(mrn)

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