

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 10th DAY OF FEBRUARY 2022

THE HON'BLE MR. JUSTICE P.VELMURUGAN

C.S.No.360 of 2020
and
O.A.No.683 of 2020
and
A.Nos.25, 26 and 3559 of 2021

Rev.S.D.David,
S/o Devapriyam,
Advent Christian Conference of India,
No.163, AAM Compound, Gandhi Road,
Velachery, Chennai – 600 042

... Plaintiff

-Versus-

1. Advent Christian Conference of India,
No.163, AAM Compound, Gandhi Road,
Velachery, Chennai – 600 042.

2. Rev.G.Magimaidoss,
Advent Christian Conference of India,
No.163, AAM Compound, Gandhi Road,
Velachery, Chennai – 600 042.

3. P.Immanuel Bakthasingh,
Advent Christian Conference of India,
No.163, AAM Compound, Gandhi Road,
Velachery, Chennai – 600 042.

... Defendants

Civil Suit praying that this Hon'ble Court be pleased to pass a decree
and judgment:

(i) To declare the notice dated 03.11.2020 issued by the 2nd defendant suspending the plaintiff from holding the post of president /Bishop of the 1st Defendant Church as illegal, null and void and not binding on the plaintiff;

(ii) For a permanent injunction, restraining the 2nd defendant, his men, agents or anybody on his behalf from interfering in any manner with the plaintiff's discharging official functions as President/Bishop of the 1st Defendant;

(iii) For costs of the suit.

O.A. No.683 of 2020:-

Rev.S.D.David,
S/o Devapriyam,
Advent Christian Conference of India,
No.163, AAM Compound, Gandhi Road,
Velachery, Chennai – 600 042

... Applicant

-Versus-

1. Advent Christian Conference of India,
No.163, AAM Compound, Gandhi Road,
Velachery, Chennai – 600 042.
2. Rev.G.Magimaidoss,
Advent Christian Church,
No.169, Velachery Main Road,
Sembakkam, Chennai – 600 073.
3. P.Immanuel Bakthasingh,
Advent Christian Conference of India,

No.163, AAM Compound, Gandhi Road,
Velachery, Chennai – 600 042.

... Respondents

Original Application praying that this Hon'ble Court be pleased to issue an order of Interim Injunction, restraining the 2nd Respondent / 2nd Defendant, his men, servants, agents or any person claiming through him in any manner from interfering in any manner with the applicant's discharging official functions as President/Bishop of the 1st Respondent/ 1st Defendant Society till disposal of the suit.

A. Nos.25 and 26 of 2021:-

1. D.Karunanidhi Mathew,
S/o.Mr.G.M.David,
No.6, Kannappa Nagar, 3rd Main Road,
Thiruvanmiyur, Chennai – 600 041.

2. J.Edward Inbanathan, **(Deceased)(*)**

S/o.Mr.S.Jacob,
Residing at No.60,
East Coast Road, Thiruvanmiyur,
Chennai – 600 041.

... Applicants

(*)As per order dated 19.02.2021 and recorded in memo

-Versus-

1. Rev.S.D.David,
S/o Devapriyam,
Advent Christian Conference of India,
No.163, A.A.M.Compound,
Gandhi Road, Velachery,
Chennai – 600 042.

2. Advent Christian Conference of India,
No.163, A.A.M.Compound, Gandhi Road,
Velachery, Chennai – 600 042.

3. Rev.G.Magimaidoss,
Advent Christian Conference of India,
No.163, A.A.M.Compound, Gandhi Road,
Velachery, Chennai – 600 042.

4. P.Immanuel Bakthasingh,
Advent Christian Conference of India,
No.163, A.A.M.Compound, Gandhi Road,
Velachery, Chennai – 600 042.

... Respondents

A. No.25 of 2021:-

Application praying that this Hon'ble Court be pleased to implead D.Karunanidhi Mathew S/o,Mr.G.M.David, Christian aged about 64 years, residing at No.6, Kannappa Nagar, 3rd Main Road, Thiruvannamipur, Chennai - 600 041 as the 4th Respondent and J.Edward Inbanathan, S/o.Mr.S.Jacob, Christian aged about 60 years, residing at No.60, East Coast Road, Thiruvannamipur, Chennai - 600 041 as the 5th Respondent in O.A.No.683 of 2020 in C.S.No.360 of 2020.

A. No.26 of 2021:-

Application praying that this Hon'ble Court be pleased to implead D.Karunanidhi Mathew S/o,Mr.G.M.David, Christian aged about 64 years, residing at No.6, Kannappa Nagar, 3rd Main Road, Thiruvannamipur, Chennai - 600 041 as the 4th Defendant and J.Edward Inbanathan, S/o.Mr.S.Jacob, Christian aged about 60 years, residing at No.60, East

Coast Road, Thiruvannamiyur, Chennai - 600 041 as the 5th Defendant in
C.S.No.360 of 2020.

A.No.3559 of 2021:-

1.Mr.S.Victor Ilango,
S/o Sarangan,
Secretary in Charge,
M/s Advent Christian Conference of India,
No.163, A.A.M.Compound,
Gandhi Salai Velachery,
Chennai 600 042. ... Petitioner/Proposed Defendant

-Versus-

1. S.D.David,
S/o Devapriyam,
Advent Christian Conference of India,
No.163, A.A.M.Compound,
Gandhi Road, Velachery,
Chennai 600 042. ... Petitioner/Plaintiff

2. Advent Christian Conference of India,
No.163, A.A.M.Compound, Gandhi Road,
Velachery, Chennai – 600 042.

3. Rev.G.Magimaidoss,
Advent Christian Conference of India,
No.163, A.A.M.Compound, Gandhi Road,
Velachery, Chennai – 600 042.

4. P.Immanuel Bakthasingh,
Advent Christian Conference of India,
No.163, A.A.M.Compound, Gandhi Road,
Velachery, Chennai – 600 042. ... Respondents/Defendants

Application praying that this Hon'ble Court be pleased to grant an order of impleading the applicant as one of the defendants in the Civil Suit in C.S.No.360 of 2020 pending before this Hon'ble Court.

This Suit alongwith these Applications and C.S.No.287 of 2020 coming on this day before this court for hearing in the presence of Mr.R.Krishna Kumar for M/s P.S.Amalraj, Advocates for the Plaintiff in C.S.No.36 of 2020 and for the applicant in O.A.No.683 of 2020 and for the 1st respondent in A.Nos.25, 26 and 3559 of 2021, and Mr.R.Raman Lal, Advocate for the applicants in A.No.25 and 26 of 2021, and Mr.Stalin Abhimanyu, Advocate for the applicant in A.No.3559 of 2021, and Ms.Dakshayani Reddy, Advocate for the defendants in C.S.No.360 of 2020 and for the respondents in O.A.No.683 of 2020, and for the respondents 2, 3 and 4 in A.Nos.25, 26 and 3559 of 2021, and the learned counsel for the plaintiffs having made an endorsement on the plaint stating that “may be permitted to withdraw the C.S.No.360 of 2020”, and this court doth recording the same, to that effect, **it is ordered as follows:**

That the suit in C.S.No.360 of 2020 be and is hereby dismissed as withdrawn.

2. That the connected Original Application No.683 of 2020 and the application Nos.25, 26 and 3559 of 2021 do stand closed.

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

WITNESS THE HON'BLE MR.JUSTICE MUNISHWAR NATH BHANDARI, ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 10th DAY OF FEBRUARY 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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14.03.2022

C.S.No.360 of 2020
and
O.A.No.683 of 2020
and
A.Nos.25, 26 and 3559 of 2021

ORDER :-

DATED: 10.02.2022

THE HON'BLE MR. JUSTICE
P.VELMURUGAN

FOR APPROVAL: 15.03.2022

APPROVED ON: 21.03.2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2022

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.S.Nos.287 & 360 of 2020 and
O.A.Nos.542 & 683 of 2020 and
A.Nos.25, 26, 2245, 3333 & 3559 of 2021

1. J.P.Ganaprakasam
2. Rev.S.Stephenson ...Plaintiffs in C.S.No.287/2020

Rev.S.D.David ...Plaintiff in C.S.No.360/2020

.Vs.

1.Advent Christian Conference of India
No.163, AAM Compound, Gandhi Road,
Velachery, Chennai – 600 042.

2. Rev. Dr.Baktasingh
Advent Christian Conference of India,
No.163, AAM Compound, Gandhi Road,
Velachery, Chennai – 600 042. ... Defendants in C.S.No.287/2020

1.Advent Christian Conference of India
No.163, AAM Compound, Gandhi Road,
Velachery, Chennai – 600 042.

2. Rev.G.Magimaidoss,
Advent Christian Conference of India
No.163, AAM Compound, Gandhi Road,
Velachery, Chennai – 600 042.

3. P.Immanuel Bakthasingh
Advent Christian Conference of India
No.163, AAM Compound, Gandhi Road,

Velachery, Chennai – 600 042. ... Defendants in C.S.No.360/2020

Plaints filed under Order IV Rule 1 of the Original Side Rules read with Order VII Rule 1 of the Code of Civil Procedure praying for a judgment and decree for:

Prayer in C.S.No.287/2020

(i) To declare the notice dated 26.09.2020 issued by the 2nd defendant for conducting the general body to be held on 31.10.2020 at Advent Christian Mahasabha Office Building, Captain James Spence Hall, Velacherry, Chennai as illegal and null and void,

(ii) for permanent injunction, restraining the 2nd defendant from interfering in any manner with the 2nd plaintiff discharging official functions as Treasurer of the 1st defendant,

(iii) for a permanent injunction restraining the 2nd defendant from conducting General Body Meeting to be held on 31.10.2020 at Advent Christian Mahasabha Office Building Captain James Spence Hall, Velacherry, Chennai or at any other place and on any subsequent date,

(v) for costs of the suit, and

(vi) for such other reliefs as this Court may deem fit and proper

Prayer in C.S.No.360/2020

(i) To declare the notice dated 03.11.2020 issued by the 2nd defendant suspending the plaintiff from holding the post of president/Bishop of the 1st defendant Church as illegal, null and void and not binding on the plaintiff,

(ii) For a permanent injunction, restraining the 2nd defendant, his men, agents or anybody on his behalf from interfering in any manner with the plaintiff's discharging official functions as President/Bishop of the 1st defendant;

(iii) for costs of the suit, and

(iv) for such other reliefs as this Court may deem fit and proper

For Plaintiffs : Mr.P.Malaravan for M/s.R.Sreedhar –
in C.S.No.287/2020

: Mr.R.Krishna Kumar for
M/s.P.S.Amalraj - in C.S.No.360/2020

For Defendants : M/s.Dakshayani Reddy in both the Suits

COMMON JUDGMENT

Mr.P.Malaravan and Mr.R.Krishna Kumar, learned counsel appearing for the plaintiffs in C.S.No.287 and 360 of 2020 respectively seek permission of this Court to withdraw these suits and they have also made

endorsements to that effect.

2 Recording the submissions and the endorsements made by the respective counsel for the plaintiffs, these suits are **dismissed as withdrawn**. No costs. Consequently, the connected original applications and applications are closed.

Sd./-P.V.J.
10.02.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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