



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

S.A(MD) .No.372 of 2015

K.Johnson ... Appellant/Appellant/Plaintiff

Vs.

- 1.Rev.D.Devadas
Superintendent,
Assembly of God Church,
Southern District,
Kaliakkavilai and Post,
Vilavancode Taluk,
Kanyakumari District.
- 2.Rev.Muthian,
Presbyter,
Assembly of God Church,
Southern District,
Kaliakkavilai and Post,
Vilavancode Taluk,
Kanyakumari District.
- 3.Yesudas,
Secretary,
Assembly of God Church,
Kulasekharam Section,
Panamkala, Thiruvattar Post,
Kanyakumari District.
- 4.Rev.Bright Devis,
Secretary,
Assembly of God Church,
Melpuram, Pacode and Post,
Vilavancode Taluk,
Kanyakumari District.
- 5.Manoharamony,
Paster,
Assembly of God Church,
Arumanai and Post,
Vilavancode Taluk,
Kanyakumari District.



6. John Selin,
S/o. Manoharamony,
Assembly of God Church,
Arumanai and Post,
Vilavancode Taluk,
Kanyakumari District. ... Respondents/Respondents/Defendants

(Respondents 2 and 3 are given up,
since they remained ex-parte.)

Second Appeal filed under Section 100 of Civil Procedure Code to set aside the judgment and decree of the Lower Appellate Court dated 26.08.2013 passed in A.S.No.14 of 2012 on the file of the Sub-ordinate Court, Kuzhithurai, confirming the judgment and decree of the trial Court dated 01.12.2011 passed in O.S.No.154 of 2009 on the file of the I Additional District Munsif Court, Kuzhithurai and allow the present Second Appeal.

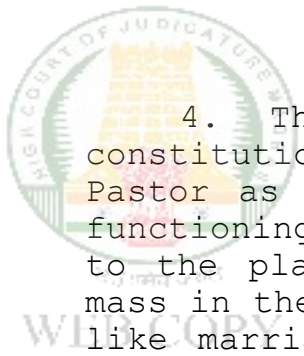
For Petitioner : Mr.M.R.Sreenivasan
For Respondents : Mr.M.N.Rajapanth
for Mr.K.P.Narayanakumar

O R D E R

The judgment and decree dated 26.08.2013 passed in A.S.No.14 of 2012 by the Sub-ordinate Court, Kuzhithurai, confirming the judgment and decree of the I Additional District Munsif Court, Kuzhithurai passed in O.S.No.154 of 2009 on 01.12.2011 is under challenge in the present second appeal.

2. The plaintiff is the appellant in the second appeal. The suit was instituted for grant of injunction restraining the sixth defendant from conducting the mass or prayer in the plaintiff's church and to preside over other functions connected with the Assemblies of God, Arumanai in Vellamcode Village.

3. The plaintiff states that hundreds of members are attending the subject church. The first defendant is the Superintendent, the second defendant is the presbyter, the third and fourth defendants are the Secretaries to the Southern District Assemblies of God Churches and they are the administrative officers. The fifth defendant is the pastor of the church at Arumanai. The sixth defendant is the son of the fifth defendant. The church is being functioning in accordance with the provisions of the Constitution and Bye-laws of the South India Assemblies of God Southern District. There are Regional councils and District Councils of Assemblies of God and the local Assembly function under the Supervisor and the directions of the Regional and the District Councils and the defendants 1 to 4.



4. The plaintiff states that the Bye-law provides for constitution of an Advisory Committee for every church with the Pastor as its President for the proper, disciplined and effective functioning of the local Assembly. The fifth defendant as a pastor to the plaintiff's church is an authorized person to conduct the mass in the plaintiff's church and to attend celebrations, functions like marriage and funeral and to make prayer outside the church. From the month of November 2008, the fifth defendant is not conducting any mass in the church, but he is illegally visiting the houses of the members of the church in the name of prayer. The fifth defendant has illegally authorized his son/the sixth defendant to conduct the mass in the plaintiff's church and to attend other functions outside the church. Thus, the plaintiff has instituted the suit for injunction.

5. The sixth defendant has filed the written statement and the other defendants have not filed any written statement. The sixth defendant has denied the averments set out in the plaint. It is contended by the sixth defendant that the churches are functioning in accordance with the provisions of the Bye-laws of the South India Assemblies of God Southern District. The District Council is the Administrative Authority of the functions of the churches that come under its District. The power of appointment and transfer of pastors for the churches are only vested with the District Committee. The plaintiff is nothing to do with the administration of the District Committee. The fifth defendant is the main pastor of the plaintiff's church. Therefore, the sixth defendant claimed that he was duly appointed as Assistant Pastor of the plaintiff's church from 12.01.2009 onwards under the appointment resolution of the Southern District Committee dated 09.01.2009. With effect from 12.01.2009, the sixth defendant is legally working as Assistant Pastor in the plaintiff's church and the plaintiff is not competent to interfere with such administrative affairs decided by the District Committee.

6. The trial Court elaborately considered the issues raised between the parties and formed an opinion that the plaintiff has no right to interfere with such administrative affairs which was decided by the appropriate District Committee under Bye-laws. This apart, the appointment of the sixth defendant as Assistant Pastor is established through Ex.B3 document which was issued by the fourth and sixth defendant. When the sixth defendant was appointed as Assistant Pastor in A.G.Church, Arumanai, for conducting mass and presiding over other connected functions, there is no reason to consider the relief sought for in the plaint. Thus, the trial Court found that the appointment of sixth defendant as Assistant Pastor cannot be termed as illegal. The plaintiff has filed an appeal suit and the First Appellate Court also concurred with the findings of the trial Court by holding that the appointment of the sixth respondent as Assistant Pastor was approved by the District Committee in accordance with the Bye-laws. Therefore, there is no

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is further found by the First Appellate Court that the sixth defendant was not examined as witness.

7. Beyond all these things, the plaintiff is not the member of the Committee or in the administration. He is a member of the church and he has got a right to participate in the church activities. However, he is not elected to any position in the administration and therefore, the suit for injunction against the sixth defendant was rejected both by the trial Court as well as by the First Appellate Court. Further, both the Courts below concurrently found that the appointment of the sixth defendant as Assistant Pastor to the church was validly approved by the Competent District Committee in accordance with Bye-laws of the Society and therefore, there is no reason to interfere with such appointment at the instance of the plaintiff. Once the appointment of pastors and Assistant Pastors is made in accordance with the Bye-laws by the Competent Authority, there cannot be any infirmity or otherwise.

8. A perusal of the facts and circumstances reveals that there are certain trivial disputes between the parties which resulted in institution of a civil suit. However, in any religious institutions, such disputes are to be avoided as the members of the church are attending the church only to offer their prayers to God and during the course, they are not expected to develop such issues between the Administration and the members. However, if there is any illegal or infirmity or otherwise in the church, they must raise the dispute in accordance with the Rules, Regulations or Bye-laws applicable as the case may be. However, in the present case, there is no such dispute warranting further adjudication as both the Courts concurrently held that the appointment of sixth respondent as Assistant Pastor in the Church is in accordance with By-laws. Hence, the judgment and decree passed in A.S.No.14 of 2012 on 26.08.2013 by the Sub-ordinate Court, Kuzhithurai confirming the Judgment and Decree passed in O.S.No.154 of 2009 on 01.12.2011 are confirmed.

9. Accordingly, the Second Appeal stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

1.The Sub-ordinate Judge,
Kuzhithurai



2.The I Additional District Munsif,
Kuzhithurai.

COPY TO:-

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+1 CC to M/s.R.NANDAKUMAR, Advocate (SR-15842[F] dated 31/03/2022)

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-15817[F]
dated 31/03/2022)

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ss (CO)

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