

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

FRIDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

CIVIL REVISION PETITION NOS: 3098, 3100, 3101, AND 3102 OF 2022

C.R.P.NO.3098 OF 2022:

Petition under Article 227 of the Constitution of India, against the order dated 20-12-2022 passed in I.A.No.681 of 2022 in CMA No. 80 of 2022 on the file of the Court of the II Additional District Judge, Medchal Malkajgiri at Medchal

Between:

1. Sri. Lingala Sanjay Kumar, S/o. Lingala John Wesley,
2. Smt. I. Suwama Solomon Raj, W/o. I Solomon Raj,

**...PETITIONERS/RESPONDENTS/
PETITIONERS/PLAINTIFFS
(in all C.R.P.s)**

AND

1. CSI Holy Trinity Church, Rep.The Presbyter Incharge, Turkapally, Medchal-Malkajgiri District.
2. Church of South India, Rep. by Dy. Moderator, CSI Center, No.5, Whites Road, Royapettah, Chennai.
3. Moderator's Commissary and Bishop-in-charge, of Medak Dioceses, Bishop in Domakal,Dornakal Diocese.
4. Rt. Rev. K. Padma Rao, Bishop in Domakal,CSI Domakal Diocese And Moderators Commissary for the Medak Dioceses

**...RESPONDENTS/PETITIONERS/
DEFENDANTS/1, 2,11 &12
(in all C.R.P.s)**

5. Church of south India, Rep by its DY Moderator
6. Rt. Rev. A. Dharmaraj Rasalam Moderator, The Church of South India.
7. The Church of South India, Rep. its General Secretary
8. Synod Executive Committee, the Church of South India
9. The Bishop Council, Church of South India.
10. Court of the Synod, the Church of South India (Defendant No.2 to 8 office at CSI Centre, No.5, Whites Road, Royapettah, Chennai-14.)
11. The Church of South India, Medak Dioceses Rep by its Bishop, Rt. Rev. A.C. Solomon Raj, Bishop in Medak, CSI Diocesan Office, H.No.10-3-165, Old lancer Lane, Secunderabad-25

12. Rt. Rev. A.C. Solomon Raj, Bishop in Medak, The Church of South India,
Medak Dioceses, CSI Diocesan Office, H.No.10-3-165, Old Lancer Lane,
Secunderabad-25

...RESPONDENTS/RESPONDENTS/
DEFENDANTS 3 TO 10
(in all C.R.P.s)

IA NO: 1 OF 2022 IN C.R.P.NO.3098 OF 2022:

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Suspend the operation of Impugned Docket Order dt.20.12.2022 passed in I.A.No.681 of 2022 in CMA No. 80 of 2022 on the file of II Additional District Judge Medchal Malkajgiri at Medchal, pending disposal of the main CRP.

C.R.P.3100 OF 2022:

Petition under Article 227 of the Constitution of India, against the order dated 20-12-2022 passed in I.A.No.680 of 2022 in CMA No. 79 of 2022 on the file of II Additional District Judge, Medchal Malkajgiri at Medchal.

IA NO: 1 OF 2022 IN C.R.P.3100 OF 2022:

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Suspend the operation of Impugned Docket Order dt.20.12.2022 passed in I.A.No.680 of 2022 in CMA No. 79 of 2022 on the file of II Additional District Judge Medchal Malkajgiri at Medchal, pending disposal of the main CRP.

C.R.P.NO.3101 OF 2022:

Petition under Article 227 of the Constitution of India, against the order dated 20.12.2022 passed in I.A.No.678 of 2022 in CMA No. 77 of 2022 on the file of the Court of the II Additional District Judge Medchal Malkajgiri at Medchal.

IA NO: 1 OF 2022 IN C.R.P.NO.3101 OF 2022:

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Suspend the operation of Impugned Docket Order dt.20.12.2022 passed in I.A.No.678 of 2022 in CMA No. 77 of 2022 on the file of I Addl. District Judge Medchal Malkajgiri at Medchal, pending disposal of the main CRP.

C.R.P.NO.3102 OF 2022:

Petition under Article 227 of the Constitution of India, against the order dated 20.12.2022 passed in I.A.No.679 of 2022 in CMA No. 78 of 2022 on the file of the Court of the II Additional District Judge Medchal Malkajgiri at Medchal.

IA NO: 1 OF 2022 in C.R.P.NO.3102 OF 2022:

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Suspend the operation of Impugned Docket Order dt.20.12.2022 passed in I.A.No.679 of 2022 in CMA No. 78 of 2022 on the file of II Addl. District Judge Medchal Malkajgiri at Medchal, pending disposal of the main CRP

**Counsel for the Petitioner Sri P. Venu Gopal, Senior Counsel
in all CRP's : On Behalf of Sri Akkam Eshwar, Advocate**

**Counsel for the Respondents 1&2 Sri J. Prabhakar, Senior Counsel
in all CRP'S : On Behalf of Smt. D.V. Padmaja, Advocate**

**Counsel for the Respondents 3&4 Sri L. Ravichander, Senior Counsel
in all CRP'S : On Behalf of Sri A.Srinivas, Advocate**

**Counsel for the Respondents 5 to 12
In all CRP's : None Appeared**

The Court made the following: COMMON ORDER

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

Civil Revision Petition Nos.3098, 3100, 3101 and 3102 of 2022

COMMON ORDER:

All these Civil Revision Petitions are filed aggrieved by the Docket Orders dt.20.12.2022 passed in I.A.Nos.681, 680, 679 and 678 of 2022 in C.M.A.Nos.80, 79, 78 and 77, respectively, on the file of the II Additional District Judge, Medchal-Malkajgiri at Medchal, whereby, the learned II Additional District Judge suspended the Docket Orders dt.14.12.2022 passed in I.A.Nos.238, 239, 240 and 241 of 2022 in O.S.No.247 of 2022 on the file of the Additional Senior Civil Judge, Medchal, whereby the learned Additional Senior Civil Judge, *vide* Docket Orders dt.14.12.2022, granted *ex parte* ad interim injunction, in an application filed under Order 39 Rules 1 and 2 of the Code of Civil Procedure, 1908, for grant of ad interim injunction, till the next date of hearing i.e. till 31.12.2022.

2. Heard Sri P.Venu Gopal, learned Senior Counsel, appearing on behalf of Sri Ackam Eshwar, learned counsel for the petitioners in all the CRPs; Sri J Prabhakar, learned Senior Counsel, appearing on behalf of Smt.D.V.Padmaja, learned counsel for respondent Nos.1 and 2; and Sri L.Ravi Char der, learned Senior Counsel, appearing on behalf of Sri A.Srinivas, learned counsel for respondent Nos.3 and 4 and perused the record.

3. The petitioners herein are the plaintiffs in the suit and respondent Nos.1 and 2 in the above CMAs before the learned II Additional District Judge, Medchal-Malkajgiri District at Medchal. The petitioners as plaintiffs in the suit obtained an order of ad interim injunction directing respondents/defendant Nos.2 to 7, to permit respondent No.10 to participate in the forthcoming Synod Executive Meeting, Bishops Councils Meeting and Ordinary Session of Synod Council and meetings conducted to various Boards of the CSI Synod till the next date of hearing.

4. The case of the petitioners herein before the trial Court was that respondent No.10 was suspended by the charge of respondent No.2 herein by proceedings dt.29.11.2022 and the petitioners, being the Pastorate Committee Members of respondent No.1, aggrieved by the said proceedings of respondent No.2, filed the suit for declaration and consequential injunction. Along with the suit, they had filed I.As. for grant of ad interim injunction, which were ordered by the learned Additional Senior Civil Judge, Medchal, *vide* Docket Orders dt.14.12.2022.

5. Though the learned Additional Senior Civil Judge recorded a finding for granting ad interim injunction, the respondents/defendants in the I.A./suit preferred appeals under Order 43 Rule 1 CPC aggrieved by the ex parte ad interim injunction before the II Additional District

and Sessions Judge, Medchal-Malkajgiri District at Medchal, and filed the subject I.A.s for suspension of operation of the *ex parte* Docket Orders dt.14.12.2022.

6. The learned II Additional District Judge, Medchal-Malkajgiri District at Medchal, by taking note of the submissions particularly with regard to lack of jurisdiction as well as *locus standi* of the petitioners in the I.As., suspended the said Docket Orders of the Additional Senior Civil Judge, Medchal, by Docket Orders dt.20.12.2022 and directed the parties to get ready in the main I.As before the Additional Senior Civil Judge, Medchal, which stands posted to 31.12.2022. Aggrieved by the said Docket Orders, the present revisions are filed.

7. A perusal of the plaint as well as the Docket Orders passed by the Court below, viz., both the Court of first instance as well as the appellate Court the Docket Orders of the Court of first instance indicate that the Court has not looked into the aspect of maintainability of the suit filed by the plaintiffs, since they are not aggrieved parties by virtue of the proceedings dt.29.11.2022 issued by the 2nd respondent, and had proceeded to grant interim injunction. The appellate Court, however, taking note of the same, suspended the Docket Orders dt.14.12.2022 and directed the parties to appear before the Court of first instance on 31.12.2022 for consideration of the main I.A.

8. Since the appellate Court suspended the Docket Orders directing the parties to appear before the Court of the first instance on 31.12.2022, whercat Additional Senior Civil Judge was directed to consider the I.As. filed in O.S.No.247 of 2022, this Court is of the considered view that no ground is made out to exercise supervisory jurisdiction under Article 227 of the Constitution of India. However, the II Additional Senior Civil Judge is directed to consider the I.As filed in O.S.No.247 of 2022, on its own the merits, without being influenced by the observations made in the present C.R.Ps.

9. Accordingly, these Civil Revision Petitions are without merit and are accordingly dismissed.

10. Consequently, pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

Sd/- R. KARTHIKEYAN
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The II Additional District Judge, Medchal Malkajgiri at Medchal
2. One CC to Sri Akkam Eshwar, Advocate [OPUC]
3. One CC to Sri D Venkata Padmaja, Advocate [OPUC]
4. Two CD Copies

plp

kam

H

HIGH COURT

TVK,J

DATED:30/12/2022



COMMON ORDER

CRP.No.3093, 3100, 3101 AND 3102 OF 2022

DISMISSING THE ALL CRP's
WITHOUT COSTS

⑥
17
13/2/23