



C.R.P. No.489 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 13.03.2023

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.489 of 2023

Mr.I.Altrin Rajeshkumar

... Petitioner

Versus

1. The Church of South India Synod,
rep. By its Moderator,
No.5, Whites Road,
Royapettah, Chennai-600 014.
2. The Church of South India Coimbatore
Diocese, rep. by its Bishop,
No.256, Race Course,
Coimbatore-641 018.
3. The Church of South India Erode-Salem
Diocese,
rep. by its Moderator Commissary,
C.S.I. Compound,
Brough Road, Erode-638 001.
4. Christian Welfare Movement, Erode,
rep. by its President/Secretary,
No.87, Nethaji Road,
Marapalam, Erode-638 001.

... Respondents



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PRAYER : Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the Order dated 13.02.2023 passed in O.S.SR.No.2258 of 2023 on the file of learned I Asst. Judge, City Civil Court, Chennai.

For Petitioner : Mr.S.V.Karthikeyan

ORDER

Challenging the impugned order passed by the trial court dated 13.02.2023 passed in O.S.SR.No.2258 of 2023, the Revision Petitioner/Plaintiff preferred the present Civil Revision Petition and seeking a direction to take the suit on file.

2. The case of plaintiff is that he filed a suit praying for a permanent injunction restraining the 4th defendant, its men, or any other person claiming under the 4th defendant from in any manner interfering with the administration and services of the defendants 1 to 3 herein before the City Civil Court, Chennai. Before taking the suit on file, the Presiding Officer of City Civil Court posted the matter for maintainability of the suit and on hearing submissions on maintainability, the trial court has held that the suit



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is not maintainable before this court as per Sec.9 of C.P.C. as it is barred by territorial jurisdiction. Challenging the said findings, the Revision Petitioner preferred this Civil Revision Petition.

3. The learned counsel for petitioner argues that the suit filed before City Civil Court, Chennai, as such is maintainable, but the trial judge erroneously rejected the plaint stating that suit is not maintainable under Sec.9 of C.P.C.

4. On bare perusal of the plaint, the Revision Petitioner preferred a suit denoting the facts as follows :-

“that he is a communicant member of CSI Brough Memorial Church, Erode and he is an active member attending the Church activities. The plaintiff is also the elected Secretary of CSI Brough Memorial Church, Erode. The plaintiff states that he is filing the above suit for himself and on behalf of the members of the defendants 1 to 3 herein by filing an application to crave leave of this Hon'ble Court.”

The Revision Petitioner relied on the Rule 4 of the Discipline of the Church and Settlement of Disputes, which reads as follows :-



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“4. Subject to other provisions of this Constitution, all members of the Church also agree that whenever any legal proceedings are to be instituted and in which the officers of the Diocese or Synod are made parties, such suit shall be instituted only in such courts within whose territorial jurisdiction the office of the Diocese or of the Synod and / or its Secretariat is at that time situated.”

By relying the said rule, the Revision Petitioner/plaintiff argues that the plaintiff is entitled to file the suit, but the trial judge erroneously rejected the same.

5. On perusal of plaint averment, it would reveal that he preferred the suit against the defendants 1 to 4. The main contention of plaintiff is that 4th defendant is making attempts to interfere in the administration of defendants 1 to 3 herein and so, he is raising objections only against 4th defendant. Admittedly, both parties are residing at Erode and diocese concerned with the C.S.I. is also at Erode as 3rd defendant, but strangely, the plaintiff has preferred the suit before the City Civil Court, Chennai stating that the 1st defendant, which is the Church of South India Synod, which is



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having office at Chennai. Furthermore, as per their own bye-law, if there is any dispute within its member, such suit shall be be instituted only in such courts, within whose territorial jurisdiction, Sec.4 of their constitution, where the concerned diocese is there. Therefore, the trial judge has rightly analysed all the facts and held that the City Civil Court has no jurisdiction to entertain the suit. Even if the plaintiff is having any grievance, to work out his remedy, he can very well approach appropriate forum at Erode and not before the City Civil Court, Chennai. Hence, the order passed by the trial court is justifiable one, which needs no interference. Accordingly, this Civil Revision Petition is dismissed on the ground of maintainability. If at all, any suit is filed before the appropriate forum, the adjudication passed in this Civil Revision Petition has no inference over the suit filed before the appropriate forum. No costs.

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Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order
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To
I Asst. Judge,

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City Civil Court,
Chennai.

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T.V.THAMILSELVI, J.

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