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C.R.P(MD)No.1849 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2023

CORAM

**THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)No.1849 of 2023

- 1.Jose Christhu Raj
- 2.Dominic
- 3.Thatheyush
- 4.Amalorbava Raja Bose
- 5.Jerald
- 6.Albert Bennet

... Petitioners/Plaintiffs

Vs.

- 1.The Roman Catholic Diocese of Kuzhithurai,
rep by its Bishop
having the office at
Unnamalaikadai, Unnamalaikadai Post,
PinCode No.629 171
Nalloor Village, Vilvancode Taluk,
Kanyakumari District.
- 2.St.Antony's Church, Manali,
Rep by the Parish Priest
(President of Parish Council)
Thuckalay Post, Thuckalay Village,
Kalkulam Taluk,
Kanyakumari District.

- 3.Ravi
- 4.Sudhamony
- 5.Syamala
- 6.Ponipash

... Respondents/Defendants



Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned Principal District Munsif, Padmanabhapuram, to dispose the suit in O.S.No.107 of 2020 on the file of the Principal District Munsif Judge, Padmanabhapuram within a time stipulated by this Court.

For Petitioners :Mr.S.Vashik Ali

ORDER

This civil revision petition is filed for a direction to direct the learned Principal District Munsif, Padmanabhapuram, to dispose the suit in O.S.No. 107 of 2020, within a time stipulated by this Court.

2.According to the petitioners/plaintiffs, they have filed a suit in O.S.No.107 of 2020 before the District Munsif Court, Padmanabhapuram, for the following reliefs:

“(A)A decree for permanent prohibitory injunction restraining the defendants 1 and 2 from conducting 2021-2024 triennial elections of the 2nd defendant Parish Church before duly convening a general body of the parish.

(B)A decree for permanent injunction restraining the defendants 3 to 6 from continuing to function as the office bearers of the 2nd defendant Parish from 10.09.2020.

(C)A decree for permanent injunction restraining the defendants 3 to 6 from taking part or contesting as candidates in 2021-2024 triennial election in the interests of law, justice



and equity.”

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3.The learned counsel appearing for the petitioners submitted that the Court below has periodically adjourned the suit, without any reason. During the pendency of the suit, the petitioners filed an application in I.A.No.3 of 2021 for amendment of prayer to declare the elections held for the triennium period 2021-2024 as null and void. He further submitted that the triennium period 2021-2024 would be completed and the next election schedule will be announced shortly. If the suit is not disposed of within a stipulated time, the petitioners will be put to great hardship. Hence, he prays for early disposal.

4.Heard the learned counsel appearing for the petitioner and perused the materials available on record.

5.Considering the facts and circumstances of the case, this Court directs the learned Principal District Munsif, Padmanabhapuram, to dispose the applications pending in a time bound manner, within a period of two months from the date of receipt of a copy of this order and also directs the Court below to dispose the suit in O.S.No.107 of 2020, on merits and in accordance with law, as expeditiously as possible, without any unnecessary



adjournment, after affording sufficient opportunities to the parties concerned, within a period of four weeks therefrom.

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6.With the above direction, this Civil Revision Petition is disposed of.

No costs.

28.07.2023

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

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To

1.The Principal District Munsif Judge,
Padmanabhapuram.

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

K.GOVINDARAJAN THILAKAVADI, J.



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