



A.No.1200 of 2024

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in C.S.DR.No.8243 of 2024

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N.SATHISH KUMAR, J.

This Application has been filed seeking leave to institute the suit as against the respondents 6, 7 & 8.

2. The main suit has filed for declaration to declare the appointment of the sixth respondent as Bishop in the first respondent church as null and void.

3. The suit has been proceeded on the ground that the sixth respondent does not belong to Christian. Therefore, he could not have been appointed. That apart, the first respondent is not a registered society, hence, leave has to be granted to file a suit in representative capacity.

4. The sixth respondent has filed counter stating that the suit is not maintainable and according to him, observation made in the order of Telangana High Court made in Crl.Pet.No.4733 of 2023 dated 02.08.2023 is not final and further, an SLP is also filed against that order in S.L.P.(Crl.).No.16611 of 2023. According to him, he is a Christian, therefore, suit cannot be maintainable. Hence, opposed for granting leave.



A.No.1200 of 2024

5. The fact that the first respondent is an unregistered society is not disputed. The main suit itself proceeded as if the sixth respondent should not have been appointed on the ground that he is not Christian and much reliance has been placed on the order of the Telangana High Court, wherein, the respondents have filed an application for quashing the proceedings initiated under Section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Therefore, learned counsel for the applicant submitted that that sixth respondent belongs to Scheduled Caste. While quashing, the Court has recorded the said fact and now, it appears that Special Leave Petition is also filed against that Order by the defacto complainant in that case. Be that as it may, mere pendency of the criminal issue has no relevance at this stage. Now, the pleading in the plaint indicate that as if the 6th respondent does not belong to the particular religion.

6. Such view of the matter, these are all the matter of evidence which could be decided only during trial and mere granting leave will not prejudice the respondents. The sixth respondent can very well establish the fact that he does not belong to the Scheduled Caste. Since, the first respondent is unregistered society, leave is granted, accordingly and this application is ordered.



A.No.1200 of 2024

7. Registry is directed to number the suit, if it is otherwise in order.

After numbering the suit, the applicants are directed to effect paper publication in any one of the widely circulated newspaper both in english and local vernacular under Order 1 Rule 8 of Code of Civil Procedure.

25.03.2024

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