



C.S.No.257 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.06.2024**

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

C.S.No.257 of 2021 and
O.A.No.509 of 2021 and
A.No.2983 of 2021

Dr.K.Jegan

... Plaintiff

Vs.

- 1.The Church of South India,
Synod
Rep by its General Secretary,
CSI Centre,
No.5, Whites Road,
P.O.Box.No.688,
Royapettah, Chennai 600 014.
- 2.The Diocese of Kanyakumari,
Rep by its Secretary,
Church of South India,
71-A, Dennison Street,
Nagercoil,
Kanyakumari District - 629 001.
- 3.The Bishop/Election Officer,
Kanyakumari Diocese,
Church of South India,
71-A, Dennison Street,
Nagercoil,
Kanyakumari District - 629 001.



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4.The Moderator,
The Church of South India,
Synod,
Rep by its General Secretary,
CSI Centre,
No.5, Whites Road,
P.O.Box.No.688, Royapettah,
Chennai 600 014.

... Defendants

PRAYER: Civil Suit filed under Order VII Rule 1 of C.P.C., read with Order IV Rule 1 of Rules of the Original Side Rules, (a) Declaration declaring that the final notice dated 10.08.2021 issued by the 2nd defendant announcing the date of election as 26th, 27th and 28th of August 2021 for the 2nd defendant convention as null and void; (b) Declaration declaring that the plaintiff is entitled to continue in office till the completion of the entire 3 year period culminating on 31.12.2021; (c) Permanent injunction restraining the defendants, their men or agents or anybody acting through them from in any way interfering with the rights of the plaintiff to continue in office till the expiry of the plaintiffs tenure of office on 31.12.2021 as the member of the 2nd defendant general body.

For Plaintiff : Mr.V.Anand

For Defendants : Mr.Adrian D.Rozario for D1 & D4

: Mr.N.G.R.Prasad for D2

: Mr.S.Bharathi Raja for D3



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JUDGMENT

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The suit has been filed seeking declaration declaring that the final notice dated 10.08.2021 issued by the 2nd defendant announcing the date of election as 26th, 27th and 28th of August 2021 for the 2nd defendant convention as null and void; Declaration declaring that the plaintiff is entitled to continue in office till the completion of the entire 3 year period culminating on 31.12.2021; Permanent injunction restraining the defendants, their men or agents or anybody acting through them from in any way interfering with the rights of the plaintiff to continue in office till the expiry of the plaintiffs tenure of office on 31.12.2021 as the member of the 2nd defendant general body.

2. The learned counsel for the plaintiff filed a memo dated 24.06.2024 stating that the plaintiff has given instructions to withdraw the suit. Therefore, the suit may be dismissed as withdrawn. He also annexed the copy of the E-mail sent by the plaintiff to the learned counsel, along with the memo.



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3. In view of the memo filed by the learned counsel for the plaintiff, permission is granted to the plaintiff to withdraw the suit.

Accordingly, this Suit is dismissed as withdrawn. The contents of the memo dated 24.06.2024 and the E-mail sent by the plaintiff to the learned counsel for the plaintiff, shall form a part of the decree. No costs. Consequently, connected applications are closed.

4. In view of the fact that the suit had been settled out of Court, the plaintiff is also entitled to refund of Court fee in accordance with the rules. The Registry may refund the same either to the learned counsel for the plaintiff or to the plaintiff after obtaining proper acknowledgment.

24.06.2024

Index :Yes/No
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