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OSA NO.256 OF 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 25.03.2024**

**CORAM:**

**THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN  
AND  
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL**

**OSA NO.256 OF 2022**

**AND**

**CMP NOS.665 & 6718 OF 2023 AND 2580 OF 2024**

1.V.Asokan Solomon

Secretary

CSI Kanyakumari Diocese

Son of V.Solomon

Residing at: 130, College Road,  
Nagercoil – 1.

2.Jeyahar Joseph

Treasurer

CSI Kanyakumari Diocese

Son of J.Muthaih Joseph

Residing at: No.23-41/3, Jehovah Shammah,  
Sasathankarai, Colachel – 629 251.

3.D.Christian Babu

Vice – President

CSI Kanyakumari Diocese

Son of S.Devadasan

Residing at: Sornam, No.28, Gnanai Street,  
Nagercoil – 1.

... Appellants

**Vs.**

1.Administrative Secretary



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CSI Kanyakumari Diocese  
No.18, 86A, Poovan Chanthi,  
Karungal Post, Pincode – 629 157.  
Kanyakumari District.

2.The Moderator

The Church of South India, Synod,  
CSI Centre, No.5, Whites Road,  
P.O.Box No.688, Royapettah,  
Chennai – 600 014.

3.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.

4.The CSI Diocese of Kanyakumari

Rep. By the Bishop  
Church of South India  
71-A, Dennison Street,  
Nagercoil, Kanyakumari District – 629 001.

... Respondents

**PRAYER:** Original Side Appeal filed under Order XXXVI Rule 1 of Original Side Rules read with Clause 15 of the Letters Patent, praying to set aside the common order dated 16.09.2022 in Application No.2514 of 2022 in C.S.No.74 of 2022 on the file of the Original Side, High Court, Madras.

For Appellants : Mr.V.Raghavachari  
Senior Counsel for Ms.V.Srimathi

For Respondent-1 : Mr.P.Wilson  
Senior Counsel for Mr.S.Kamala Kannan

For Respondents : Mr.V.Prakash  
2 and 3 : Senior Counsel for Mr.Adrian D. Rozario



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For Respondent 4 : Mr.V.Selvaraj

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## **J U D G M E N T**

**(Judgment of the Court was made by R.SUBRAMANIAN, J.)**

Challenge in this appeal is to the order of the Hon'ble Single Judge made in Application No.2514 of 2022 in C.S.No.74 of 2022.

2.The Suit came to be filed seeking a declaration that the Minutes of the Executive Committee of the second defendant namely the Church of South India insofar as it relates to the third defendant namely Kanyakumari Diocese of the Church of South India and the actions in their letter dated 07.04.2022 appointing fact-finding Committee regarding the conduct of the meeting of the Diocesan Council and the election of the Diocese of Kanyakumari for the triennium 2021-2024 as illegal and null and void and for injunction restraining the nominees and appointees of the second defendant from conducting the affairs of the third defendant.

3.The entire dispute arose since the second defendant superseded the elected Diocesan Council of the third defendant on the ground that the elections were not conducted in a fair and free manner and



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the COVID-19 regulations were breached.

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4.Though Mr.V.Raghavachari, learned Senior Counsel appearing for the appellants; Mr.P.Wilson, learned Senior Counsel appearing for the first respondent; Mr.V.Prakash, learned Senior Counsel appearing for the second and third respondents and Mr.V.Selvaraj, learned counsel appearing for the fourth respondent argued the matter at length, all of them finally agreed that the period of three years for which the election was conducted in August 2021 will be over by May 2024. Therefore, the whole issue would become infructuous. All the learned Senior Counsel are in agreement that if new elections that are to be conducted for the triennium 2024-2027 are conducted under the supervision of a Retired Judge of this Court, the same would serve the purpose and the disputes will stand resolved amicably.

5.In view of the said statement made by the learned Senior Counsels appearing for all the parties, we appoint **Hon'ble Dr.Justice.P.Jyothimani** a retired Judge of this Court, residing at Flat No.C9, AGS Colony, Beach 1<sup>st</sup> Cross Street, Kottivakkam, Chennai – 41, Mobile: 9498020044/ 044-26453200 to be assisted by **Mr.John**



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**R.D.Santhosam**, a retired District Judge, residing at Plot No.19, Door No.3A, Pandian Street, Alagappan Nagar, Madurai – 625 003, Mobile:

7708256500 to look into the elections for the Church Councils and after satisfying themselves about the regularity of those elections which have been held thus far and also after looking into the disqualifications that are said to have been incurred by some of the Churches to nominate the representatives of the Diocesan Council and finalize the list of Church Council representatives who have been so far elected as the representatives of the respective Churches to the Diocesan Council. After finalizing the electoral college, the Committee will conduct the meeting for the Diocesan Council to elect the Office Bearers of the Diocesan Council and also conduct of the elections of the Boards and Committees as well as the Office Bearers of the Diocesan.

6.The present Administrative Committee is directed to cooperate with the retired Judges who are appointed today and hand over entire records to the retired Judges to enable them to effectively supervise the administration and conduct of the election of Diocesan Council. The Members of the Committee which is appointed today will also ensure that the entire records relating to the administration are handed over to the



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newly elected Members of the Diocese. New Diocesan Council has to be put in place by the end of May 2024. We request the two judges to ensure that the time frame is adhered to. The Kanyakumari Diocese will pay a sum of Rs.5,00,000/- to Hon'ble Dr.Justice.P.Jyothimani and Rs.3,00,000/- to Mr. John R.D.Santhosam, Retired District Judge apart from taking care of their travel expenses and boarding and lodging till completion of the entire process.

7.The Original Side Appeal is disposed of in the above terms.

No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

**[R.S.M., J.]     [R.S.V., J.]**

**25.03.2024**

Index : No  
Internet : Yes  
Neutral Citation : No  
Speaking Order  
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**R.SUBRAMANIAN, J.**

**AND**

**R.SAKTHIVEL, J.**

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