



C.R.P. (MD) No. 1427 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2024

CORAM

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P. (MD) No. 1427 of 2022

and

C.M.P.(MD) No.5924 of 2022

1.CSI Diocese of Madurai Ramnad,

Rep. by its Law Secretary,

No.162, AVH Building 1st Floor,

East Veli Street, Madurai – 625001.

2.Mr.C.Stanley Manoharan

3.Rev.S.Epsibasouthiravalli

4.Rev.I.Jesler Roy

5.Rev.D.Jayasingh Prince Prabhakaran

6.Rev.T.Samuvel Ravindra Victor Singh

7.Rev. M.Joseph

... Petitioners/

Defendants 2 to 8

-VS-

1.CSI People's Welfare Association,

Rep. by its Secretary

Mr.Jasper Agan Stanley

... 1st Respondent/
Plaintiff

2.Church of South India SYNOD,

Rep. by its Moderator,

CSI SYNOD, No.5, Whites Road,

Royapettah, Chennai.

...2nd Respondent/1st Defendant



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PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and executable order passed in I.A.No.111 of 2022 in O.S.No.51 of 2022 passed by the learned District Munsif cum Judicial Magistrate No.I (i/c), Kodaikanal dated 01.07.2022.

For Petitioners : Mr.M.Rajaraman

For Respondents : Mr.J.Bharathan for R2

No appearance for R1

ORDER

This Civil Revision Petition is directed against the order dated 01.07.2022 in I.A.No.111 of 2022 in O.S.No.51 of 2022.

2. On a perusal of the order against which the Civil Revision Petition is filed, it can be seen that when O.S.No.51 of 2022 is filed and the interlocutory application was moved on 01.07.2022, without even ordering notice to the parties on the same day of moving itself, the petition is allowed. The Court can only order notice or grant an ad-interim order of injunction. However, without doing so, the Court went on to decide the petition on merits, including framing the point for determination and answering the same without giving any opportunity to the respondents and 19 documents were marked and the petition itself was allowed. Though, in the normal course, this injunction could have



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been treated as an ad-interim injunction and the matter could have been remanded, already the interim order has been suspended and therefore, the impugned order has to be set aside and the I.A.No.111 of 2022 has to be remanded back to the Trial Court for fresh consideration after hearing the respondents. The Trial Court shall permit the respondents in the interlocutory application to file counter and thereafter, take up the application for enquiry and decide the matter afresh.

3. In view thereof, the Civil Revision Petition is allowed on the following terms:-

(i) The order dated 01.07.2022 in I.A.No.111 of 2022 in O.S.No.51 of 2022 shall stand set aside;

(ii) Now, pending the Civil Revision Petition, the suit itself is now transferred to the Principal District Court, Madurai, the I.A.No.111 of 2022 is remanded back to the file of the said Court for fresh consideration. Needless to mention that the opportunities shall be given to all the respondents in the interlocutory application to file counter-affidavit and thereafter, the petition has to be taken up for enquiry and thereafter, the Trial Court has to consider the question of grant of injunction afresh on merits in accordance with law.



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Consequently, the connected Miscellaneous Petition is closed. No costs.

10.07.2024

NCC : Yes/No

PKN



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To

The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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D.BHARATHA CHAKRAVARTHY, J.

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