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A NO. 38 of 2023
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2025

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

A No. 38 of 2023

in

CS No. 7 of 2023

D.Sunildas and another
S/o.Devadasan, (Synod Council Member- Church
of South India) Sunil Nivas, Pulavanniyur Konam,,
Malayam, Vilavoorkal, Thiruvananthapuram,
Kerala State. and another

Applicant(s)

Vs

Church of South India (CSI) and 7 others
Synod Secretariat, Synod Secretariat, No.5, Whites
road, Royapettah, Chennai 600014., Represented
by its General Secretary. and 7 Others

Respondent(s)

For Applicant(s):

Mr.S.Thanka Sivan

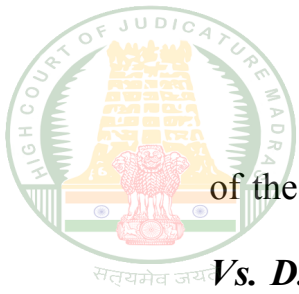
For Respondent(s):

Mr.V.Prakash (Senior counsel)
For Mr.Adrian D.Rozario (For R1 to R5)

ORDER

This application had been taken up to permit the applicants/plaintiffs to sue the respondents/defendants as the representative capacity of the other members of the first defendant.

2. The Hon'ble Apex Court, while disposing of the appeal that arose out



of the common order passed by this Court in the case of ***Dr. Vimal Sukumar***

Vs. D. Lawrence & Ors in SLP(C) Nos. 9079-9081 of 2024, had held that the

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suit filed without obtaining leave under Order I Rule 8 are maintainable and that such leave can be granted at any stage of the proceedings. It had emphasized that until such leave is formally granted, the orders passed from these proceedings may not be considered binding upon the entirety of the Membership of the CSI. For better appreciation, paragraph 62 of that order is extracted hereunder:

“62. This Court is of the considered opinion that the position of law regarding the applicability of Order 1 Rule 8 of CPC is well settled. Order 1 Rule 8 CPC does not prescribe any stage at which the application can be filed. While it is not a mandatory precondition for the institution of a suit or for the granting of interim relief, it is a procedural requirement that cannot be disregarded altogether which bears upon the binding nature of any orders issued. Therefore, while the absence of Order 1 Rule 8 is a curable defect, its compliance remains crucial to ensure the enforceability and representative effect of the orders passed. Leave under Order 1 Rule 8 may be obtained at any stage of the proceedings, however, it is emphasized that until such leave is formally granted, the orders passed from these proceedings may not be considered binding upon the entirety of the membership of the CSI.”



3. The instant suit had been filed seeking for the following reliefs:

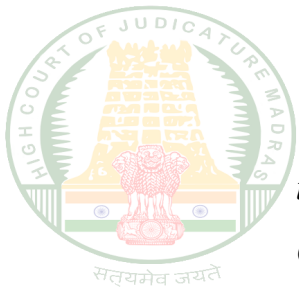
“(a) Declaring the notification dated 27.12.2022 issued by the 1st defendant through the 4th defendant and all connected and consequential actions seeking to carry out or implement the amendments including the amendment seeking to enhance the retirement age of the Bishops and Presbyters as 70 years, allegedly passed by the Special Synod Council meeting held on 07.03.2022 at Tiruchirapalli, as illegal void and non-est in law.

(b) Permanent Injunction restraining the defendants 2 to 5 and their men and agents from proceeding with any meeting of Church of South India Synod council or any other meeting for the election of Church of South India Synod Council and office bearers, for the forthcoming triennium 2023-2025 on the basis of the impugned notification dated 27.12.2022.

(c) Permanent Injunction restraining the defendants and their men and agents from in any manner amending the Constitution/Byelaws of the 1st defendant or implementing any amendments as per the Special Synod council meeting resolution dated 07.03.2022 held in Tiruchirapalli or the impugned notification dated 27.12.2022.

(d) Appointing a former judge/s of this Hon'ble Court as administrator(s) for framing guidelines and for good administration and managing the affairs of the 1st defendant and for enquiring into all pending disputes affecting or relating to the electoral college of Church of South India and the constituent dioceses of the 1st defendant and to streamline

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the electoral college and thereafter conduct the election for the CSI Synod council for the triennium 2023-2025 strictly in accordance with the Constitution of the 1st defendant.

(e) To pay the cost of the suit.

(f) To pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

4. The effect of grant of the reliefs sought for in this suit would have an impact on all the members of the first defendant. Since the suit had originally been filed under Order I Rule 8, invoking the relief under Order I Rule 8, it is imperative that the said application ought to be ordered or otherwise the judgment passed by this Court in the suit may not be binding on the members of the CSI and would have only a limited effect.

5. In such view of the matter, the present application in A.No.38 of 2023 in C.S.No.7 of 2023 stands ordered as prayed for.

6. In view of the same, the applicants are directed to take out a General Paper Publication in 'The Hindu' National Daily, indicating the date of hearing as 25.07.2025.



25-06-2025
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To

1. Church of South India (CSI) and 7 others

Synod Secretariat, Synod Secretariat, No.5, Whites road,
Royapettah, Chennai 600014., Represented by its General
Secretary.

2. The Most Rev.A.Dharmaraj Rasalam

Moderator, Church of south India (CSI) Synod Secretariat.

3. Rt.Rev.Reuben Mark

Deputy Moderator, Church of South India (CSI)

4. Adv.C.Fernandas Rathina Raja

General Secretary, Church of South India (CSI)

5. Prof.Dr.Vimal Sukumar

Honorary Treasurer, Church of south India (CSI)

6. The CSI Diocese of Medak

Cathedral Compound Mission Compound, Medak, Telangana 502 110,
Rep.by its Bishop.

7. The CSI Diocese of Coimbatore

56, Race Course Rd. Opp R K Photo Centre, Coimbatore, Tamil Nadu 641
018, Rep.by its Bishop.

8. The CSI Diocese of Kanyakumari

71-A, Dennis Street, Thingal Nagar, Weavers Colony, Nagercoil, Tamil Nadu
629 001, Rep.by its Bishop.

K.KUMARESH BABU, J.

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