



O.A.Nos. 187 to 189 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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**RESERVED ON
10.07.2025**

**PRONOUNCED ON
23.07.2025**

CORAM

THE HONOURABLE MR JUSTICE K.KUMARESH BABU

**O.A.Nos.187 to 189 of 2024 &
A.No.1320 & 1321 of 2024**
in
C.S.No.56 of 2024

**O.A.Nos. 187 to 189 of 2024 &
A.No.1320 & 1321 of 2024**

1.Mathew Oommen
2.Jeswin Samuel

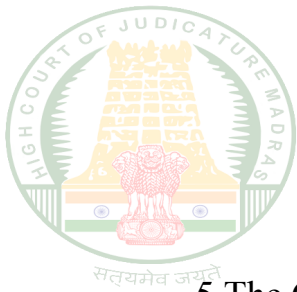
... Applicants in all Applns
Vs

1.The Church of South India,
Rep., by its Office bearers,
CSI Synod Secretariat, CSI Centre,
No.5, Whites Road, Royapettah, Chennai – 600 014.

2.Church of South India Trust Association,
a registered company rep., by its Directors,
CSI Synod Secretariat, CSI Centre,
No.5, Whites Road, Royapettah, Chennai – 600 014.

3.The Moderator, Church of South India,
CSI Synod Secretariat, CSI Centre,
No.5, Whites Road, Royapettah, Chennai – 600 014.

4.The Deputy Moderator, Church of South India,
CSI Synod Secretariat,
CSI Centre,
No.5, Whites Road, Royapettah, Chennai – 600 014.



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5. The General Secretary, Church of South India,
CSI Synod Secretariat, CSI Centre,
No.5, Whites Road, Royapettah, Chennai – 600 014.

6. The Treasurer, Church of South India,
CSI Synod Secretariat, CSI Centre,
No.5, Whites Road, Royapettah, Chennai – 600 014.
... Respondents in all Applns

For Applicant(s) : Mr.Vineet Subramani

For Respondent(s): Mr.V.Prakash Sr., counsel for
Mr.Adrian D.Rozario

ORDER

Original Application No.187 of 2024 had been filed to grant an interim injunction restraining respondents from requiring applicants to become members of the Diaspora Diocese and/or removing or suspending the applicants membership in Church of South India and their respective churches and parent Dioceses.

2.Original Application No.188 of 2024 had been filed to grant interim injunction restraining respondents from in any manner taking any steps to transfer or receive any monies or other assets from the congregations in North



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America or the Council of CSI Congregations in North America directly or indirectly through the administrative committee formed on 20.05.2023 or otherwise.

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3.Original Application No.189 of 2024 had been filed to grant interim injunction restraining respondents from in any manner interfering with the administration, assets and finances, of the congregations in North America and the Council of CSI congregations in North America directly or indirectly through the administrative committee formed on 20.05.2023 or otherwise.

4.Application No.1320 of 2024 had been filed to grant leave to sue the 1st respondent, Church of South India, represented by its office bearers, which is an unregistered unincorporated, representative body of its members of which applicants are also members.

5.Application No.1321 of 2024 had been filed to direct the General Secretary, 5th respondent herein of the Church of South India, 1st respondent herein to defend the suit on behalf of the 1st respondent.

6.Heard Mr.Vineet Sumbramani, learned counsel for the Applicants and



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Mr.V.Prakash, learned Senior Counsel appearing for Mr.Adrian D. Rozario,
learned counsel for the respondents.

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7.Learned counsel appearing for the applicants would submit that a new diocese under the name of Diaspora Diocese had been established outside the regions of the CSI Constitution without amendment to the Constitution. An attempt is being made to transfer the property to the CSI through the diocese. Since, as per the CSI Constitution, the properties would have to stand in the name of CSI. He would submit that the Constitution covers only five southern states namely Andhra Pradesh, Kerala, Karnataka, Tamil Nadu and Telangana and Jaffna in Srilanka. The Constitution cannot be extended to any other areas in forming a new diocese without any such amendment to the Constitution.

8.In that context, he would take this Court to Chapter-IV Clause (1) (a). He would submit that Sub Clause (b) of Clause 1 would envisage that if any member resides outside the geographical area he would have to seek membership in a communion. The members of the CSI residing in USA and other countries have been the members of the Madhya Kerala Diocese. Therefore, the creation of Diaspora Diocese exclusively to be in operation in North America is beyond the Constitution of the first defendant. Therefore, they



had filed the present suit for various reliefs and have also taken out applications for various injunctions including transfer of property by Congregations in USA in favour of the CSI . He would also seek leave of this Court to sue the first respondent as it is an unregistered/ unincorporated representative bodies of members and also further seeks a direction to the fifth respondent to represent the first respondent.

9.Countering his arguments, Mr.V.Prakash learned Senior Counsel appearing on behalf of the respondents at the outset would contend that the suit as well as the application is not maintainable for want of nonjoinder of parties. He would submit that the suit had been filed challenging a Resolution dated 29.11.2023 which was a Resolution for continuance of a membership in CSI, on the failure of members to become members of a Diaspora Diocese and the further direction of the Moderator in respect of the Diaspora Diocese in North America.

10.He would submit that the first defendant as early as on January 2023 had resolved for formation of the 26th Diocese of the first defendant for all Overseas Congregations called Diaspora Diocese. The Moderator was appointed as Bishop incharge under the said Resolution. He would submit that



the Resolution dated 15.01.2023 under which the formation of new Diocese has not been challenged by anyone including the plaintiffs even in the present suit.

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What is challenged is only a consequential communications of appointment of Administrative Committee and transfer of properties in favour of newly formed Diocese by the respective congregations.

11.He would further submit that neither the newly formed Diocese had been impleaded as party respondent/ defendant nor has the Madhya Kerala Diocese of which the members of the congregations in USA and Canada has been made as parties to this litigation. That apart, he would submit that the plaintiffs have been taken only an application under Order I Rule 8 to sue the first defendant alone and had not taken out any Order I Rule 8 application, as he filed the suit in representative capacity of all congregation in USA and Canada. He would further submit that the first defendant has been represented by the Synod Secretariat and there is no necessity for the fifth respondent to represent the first respondent. The Secretariat of the Synod would take a decision and it is always the Moderator who represents the Synod Secretariat. In such circumstances, he would pray this Court to dismiss all the applications as being without any merits.

12. In reply Mr.Vineet Subramani, learned counsel appearing for the



applicant would submit that non-filing of Order I Rule 8 application cannot be a reason for considering the injunction application and if necessary, the necessary parties would be impleaded in the suit.

13. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record.

14. The suit had been filed primarily challenging the decision of the first respondent to continue the membership of the CSI, only if such members enrol themselves as members of the newly formed Diaspora Diocese. As per the Constitution of the CSI, any member who reside outside the geographical area ie., Andhra Pradesh, Kerala, Karnataka, Telangana, Tamil Nadu and Jaffna to be continued as members, they should get themselves enrolled in any of the Communion in such States.

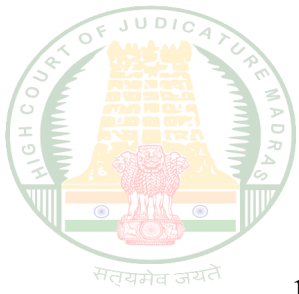
15. Admittedly the plaintiffs herein have settled themselves outside India and has attached themselves with the Madhya Kerala Diocese. The pleadings in the plaint itself indicates that there are 31 Congregations functioning across USA. The plaintiffs are members of two such Congregations respectively. Such Congregations were attached with the Madhya Kerala Diocese even according to the plaintiffs. The formation of the Diaspora Diocese is in respect of all



Overseas Congregations which would include places like Australia, U.K., Canada, Newzealand and others including USA. The plaintiffs have not challenged the formation of the new Diocese which had come into effect from 15.01.2023.

16. The plaintiffs do not represent any of the Congregation in USA. He claims to be a member of one of the Congregation in the USA. Therefore, it is axiomatic that the plaintiffs ought to have also initiated proceedings under Order I Rule 8 to sue on behalf of other members/ Congregations as any orders passed by this Court in this Suit or the applications would have an effect on other members/ Congregations. As rightly pointed out by the learned Senior Counsel, neither the Madhya Kerala Diocese in which the members/ Congregations in USA are members nor the newly formed Diocese to which the memberships is to be transferred are not made party to this litigation. On the sole ground alone, the applications for injunctions ought to be rejected.

17. As regards A.No.1320, the application has been sought for a leave to sue the first respondent which according to the plaintiff is an unregistered/ unincorporated representative body of members. To sue the first defendant in the suit, the provisions of the CPC requires a leave from this Court to sue such defendant. In fine, the application stands ordered.



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18. In A.No.1321 of 2024, the applicant had sought direction to the fifth respondent to defend the first respondent. The first respondent is represented by the Office bearers of the CSI Synod Secretariat. The CSI Synod Secretariat is represented by a Moderator, Deputy Moderator who are all elected to the Synod. Such office bearers are carrying on their functions of the Synod.

19. In such view of the matter, I do not find any necessity to issue direction to the fifth respondent to defend the first respondent. I am confident that the office bearers of the Synod Secretariat will defend itself in an appropriate manner.

20. In fine A.No.187 to 189 and A.No.1321 of 2024 stands dismissed and A.No.1320 stands allowed. However, there shall be no order as to costs.

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Index: Yes/No

Internet: Yes/No



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K.KUMARESH BABU., J

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Pre-Delivery Order in
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