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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CMP.No.9368 of 2025

in CRP.SR.No.47564 of 2025

World Missionary Evangelism of India,
A registered Society under the Societies
Registration Act, 1860,
Rep by its Secretary Rev.Bogalla Wilson,
A/5, Huda Complex, Saroor Nagar,
Hyderabad,
Telangana – 500 035.

... Petitioner

Vs.

1.World Missionary Evangelism of India
and Douglas Memorial Childrens Home,
Rep by its Area Representative / Pastor S.Jeyabal,
Old No.2/277, New No.2/396,
Idigarai Road, Teachers Colony,
NGGO's Colony (Post),
Coimbatore – 641 002.

2.John Augustine
3.Wilson
4.Immanuel Dass
5.Christian Stefan Joel
6.Johnson

... Respondents

Prayer: The Civil Miscellaneous Petition filed under 151 of CPC, to grant leave to the petitioner herein to file the instant Civil Revision Petition to strike off the plaint filed by the 1st respondent in O.S.No.67 of 2022 on the



file of the Principal District Munsif, Coimbatore.

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For Petitioner : Mr.Roshal Atiq. M

For Respondents : Mr.K.S.Karthik Raja for R1

ORDER

The Civil Miscellaneous Petition has been taken out by the applicant, seeking leave to file the revision, to strike off the plaint filed by the 1st respondent in O.S.No.67 of 2022 on the file of the Principal District Munsif, Coimbatore.

2.I have heard Mr.Roshan Atiq.M, learned counsel for the petitioner and Mr.K.S.Karthik Raja, learned counsel for the 1st respondent.

3.Mr.Roshan Atiq.M, learned counsel for the petitioner would contend that the suit filed in O.S.No.67 of 2022 is an abuse of process of law. The The World Missionary Evangelism Inc., has its registered office at Texas, United States of America and was registered subsequently as a public Trust under the Bombay Trust Act, 1965, having its registered office at Nagpur. He would further contend that the while so, on 18.08.1969, another entire



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entity by name, World Missionary Evangelism of India was registered under the Societies Registration Act, 1860 to promote charitable works in southern parts of India. The plaintiff, Pastor S.Jeyabal was initially appointed to manage and administer the children's home, after obtaining prior approval from the Head Office at USA. It is also an admitted case of the revision petitioner that the said S.Jeyabal was reappointed on 20.09.2006 by the 1st defendant as the presiding Chairman of the Trust.

4.However, it is the contention of Mr.Roshan Atiq that in the year 2021, on investigation, it has come to light that the plaintiff has mismanaged the funds of the Trust and the plaintiff has made unlawful personal gains in the process and therefore, he was terminated by the Trust on 24.02.2021 and on the same day, the 4th defendant was appointed as the representative of the children's home. It is thereafter that the plaintiff representing the Society has filed the suit in O.S.No.67 of 2022, as if the Society is the owner of the suit property and making false and vexatious allegations in the plaint, as if the plaintiff is entitled to manage and administer the children's home.

5.According to the learned counsel for the petitioner, the suit property



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is the property of the Trust and Society has no role to play in it and suppressing the material facts and circumstances, the vexatious suit has been filed by the said S.Jeyabal, who has no authority to represent the Society. The suit is admittedly being contested by the defendants in the said suit and in fact, it is also stated in the application filed in support of the leave petition that the defendants have filed I.A.No.3 of 2023 to reject the plaint, which was also withdrawn on ill-advice and C.M.A.No.19 of 2022 has been filed, challenging the interim order granted in I.A.No.2 of 2022. He would further state that the present petitioner is a proper and necessary party and without impleading him in the suit, the 1st respondent has filed O.S.No.67 of 2022 and necessarily, the petitioner is entitled to seek striking off the plaint.

6.Per contra, Mr.S.Karthik Raja, learned counsel for the 1st respondent/plaintiff contends that the present applicant is admittedly not a party to the suit and any decree passed in the said suit is not going to bind him and it is not open to the petitioner to move this Court under Article 227 of Constitution of India, seeking leave as a third party to strike off the plaint.

7.I have carefully considered the submissions advanced by the learned



counsel on either side.

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8.The 1st respondent, World Missionary Evangelism of India and Douglas Memorial Children's Home, represented by Pastor S.Jeyabal has filed the said suit in O.S.No.67 of 2022 against five defendants, namely John Augustine and four others, seeking the relief of a permanent injunction to restrain the defendants from in any manner disturbing the peaceful possession and enjoyment of the suit property by the plaintiff and also creating any documents in connection with the suit property by transfer or encumbrance to any person.

9.The learned counsel for the petitioner, on being put a question by me with regard to the steps taken by the defendants in the said suit would fairly submit that the defendants are contesting the said suit and even took out an application to reject the plaint, however, on ill-advice they have withdrawn the same. However, the fact remains that the defendants are contesting even the interim order granted, by filing CMA, which is admittedly pending. In other words, the suit, even according to the present petitioner, is not a collusive action between the plaintiff and the defendants.



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10.While so, it is for the defendants to put forth all contentions available to them both in fact and in law and get the suit dismissed on merits. The present revision petitioner cannot be granted leave to file a revision petition, that too, in order to invoke the extraordinary powers under Article 227 of Constitution of India, to strike off the plaint. It is always open to the petitioner to seek impleadment in the said suit in O.S.No.67 of 2022 before the Principal District Munsif, Coimbatore and seek for appropriate relief / remedy as available to it, in accordance with law. In the light of the above, leave to file a revision cannot be granted by this Court, exercising the jurisdiction under Article 227 of Constitution of India.

11.In view of the above, the Civil Miscellaneous Petition is dismissed, giving liberty to the petitioner to get himself implead in O.S.No.67 of 2022 and put forth all his objections. Any such application filed shall be decided by the Trial Court on merits and in accordance with law. Consequently, CRP.SR.No.47564 of 2025 is rejected at the SR stage itself.

09.07.2025

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Index:Yes/No

6/8



Speaking/Non-speaking order
Internet: Yes

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To
The Principal District Munsif, Coimbatore.

P.B. BALAJI,J.

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