



O.A.Nos.517, 518 & 519 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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RESERVED ON
06.08.2025

PRONOUNCED ON
26.08.2025

CORAM

THE HONOURABLE MR JUSTICE K.KUMARESH BABU

O.A.Nos.517, 518 & 519 of 2025
& A.Nos.2415 & 2416 of 2025
in C.S.No.109 of 2025

In all Applications and Original Applications

- 1.G.Davi Ajay Kumar
- 2.P.David Christopher
- 3.Samuel T.
- 4.Anandapaul A.
- 5.A.Lincoln
- 6.Ayyala Danam

.... Applicant(s)

Vs

- 1.The Church of South India
Represented by its Office Bearers,
CSI Synod Secretariat, CSI Centre,
No.5, Whites Road, Royapettah,
Chennai – 600 104.
- 2.Church of South India Trust Association,
a registered Company represented by its Directors,
CSI Synod Secretariat, SCI Centre,
No.5, Whites Road, Royapettah, Chennai – 600 014.
- 3.K.Ruben Mark
- 4.C.Fernandas Rathina Raja
- 5.Vimal Sukumar

.... Respondent(s)



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In all Applications and Original Applications

For Applicant(s) : Mr.Vineet Subramani

For Respondent(s): Mr.Adrian D.Rozario for RR1 to 5

COMMON ORDER

The Original Application in OA.No.517 of 2025 has been filed to grant interim injunction restraining respondents 3 to 5 from acting as Deputy Moderator, General Secretary and Treasurer, respectively of first respondent and consequently as directors/ members and as Secretary and Treasurer, respectively of second respondent.

2. The Original Application in OA.No.518 of 2025 has been filed to grant interim injunction restraining respondents 3 to 5 from taking any steps to appoint, transfer or consecrate any bishops or appoint any administrative committees for any dioceses or make any policy decisions untill the moderator is elected.

3. The Original Application in OA.No.519 of 2025 has been filed to grant interim injunction restraining respondents from implementing Bye-Laws relating to Chapter 9 Rule 2(d) of the CSI Constitution and



consequently stay the operation of the said Bye Laws.

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4. The Original Application in A.No.2415 of 2023 has been filed to stay of the elections result conducted on 13.06.2023 of respondents 3 to 5 as Deputy Moderator, General Secretary and Treasurer respectively of the first respondent.

5. The Original Application in A.No.2416 of 2023 has been filed to appoint an interim Administrator to take charge of and administer, respondents 1 & 2 until the Moderator is elected and ensure that the composition of the Synod is strictly as per the CSI Constitution.

6. Heard Mr.Vineet Subramani, learned counsel appearing for the applicants and Mr.Adrian D.Rozario, learned counsel appearing on behalf of the respondents 1 to 5.

7. Mr.Vineet Subramani, learned counsel appearing for the applicants would submit that the suit had been filed seeking to set aside the election of respondents 3 to 5 on the grounds of composition of Synod as the Electoral



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College was not constituted in accordance with the CSI Constitution, to declaring the bye-law relating to Chapter 9 Rule 2(d) of the CSI Constitution as contrary to the Constitution and also restraining the respondents from usurping the powers of the Moderator.

8. He would submit that the Synod is the highest representative Body of the first respondent and hence, the composition of Synod is critical. The composition of the synod forms the Electoral College for election of its office bearers. He would submit that the Synod composition is not as per the constitution of the first respondent. Referring to Chapter 9 of the CSI Constitution, he would submit that the members of the Synod apart from other persons include the presbyters and lay persons representing the Dioceses in the ratio of the baptised members of the Dioceses. The Bye-law to the said Provision particularly Clause 2(d) is not in consonance with the said ratio. He would further submit that the Electoral College of the Synod is also not in accordance with the Constitution and hence, the election that had been conducted where respondents 3 to 5 had been elected is faulty.

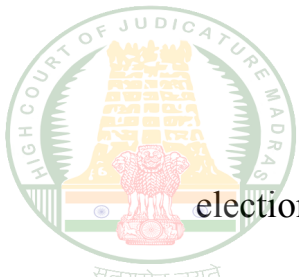
9. He would further submit that in most of the Dioceses, the 25% youth and women are not present. He would submit that the Division Bench



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of this Court had given a categorical finding that atleast 11 of the Dioceses did not send representatives in compliance with the Constitution. That apart, he would submit that there have been representative of the particular Dioceses beyond the number of representatives they are entitled to send to the Synod. He would further submit that even though the judgment of the Hon'ble Apex Court had interfered with the Division Bench order, he would submit that such interference was only on the ground that the issue of election of respondents 3 to 5 were not raised in the suit or argued before the learned Single Judge and therefore, the present suit has been filed. Since there is a glaring violation of the Constitution of the first respondent, in the formation of the Electoral College of the synod which is a *writ large* in the list of Synod members produced by the first respondent, a prima facie case had been made out and therefore, he prays for the injunction as prayed for.

10. Countering his arguments, Mr.Adrian D.Rozario, learned counsel appearing on behalf of the respondents 1 to 5 would submit that this Court in an earlier suit had specifically rejected the claim of the plaintiff therein to interject with the election of the respondents 3 to 5 and the said order has also been affirmed by the Hon'ble Apex Court while interfering with the orders passed by the Division Bench of this Court which had held that the



election of the respondents 3 to 5 is bad in view of the defective Electoral College.

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11. Placing reliance on the judgment of the Hon'ble Apex Court, he would submit that the Hon'ble Apex Court had also observed that the elections of respondents 3 to 5 would be subject matter of trial in the said suit and therefore, he would submit that the present suit itself cannot be proceeded with.

12. That apart he would submit that the election of the Moderator had been conducted and the third respondent who had been elected as the Deputy Moderator had now been elected as Moderator and therefore, the prayer sought for in A.No.2416 of 2025 & O.A.518 of 2025 had become infructuous.

13. That apart, he would submit that on the very same Electoral College which had been verified by the Administrator appointed by this Court, the election of the Moderator had been conducted and as of this date no one had challenged the said election also on the ground of defective Electoral College. He would further submit that the Bye-law which has been



challenged had been followed for a very long time and any infraction of it as being contrary to the bye-law can only be tested after the trial in the suit.

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Further, he would also bring to the notice of this Court that the period of office of respondents 3 to 5 would come to an end by the end of the year as the election is for the triennium 2023 -26. The plainiffs had not challenged the election on the grounds raised in the suit immediately after the elections were over and they have been fence-sitting. Once, the Hon'ble Apex Court has found that there has been no issues raised on the Electoral College in the earlier suit and allowed the respondents 3 to 5 to continue as the elected representatives, the present suit had been filed on the said ground. Hence, on the ground of delay also this Court should refuse the injunction as prayed for.

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

15. The election to the office of the Deputy Moderator, General Secretary and Treasurer was conducted in the year 2023 for them to hold the post for a period of three years. The third respondent who had been holding the post of Deputy Moderator has been elected as Moderator. In View of the



same, as rightly pointed out, A.No.2416 of 2025 & O.A.518 of 2025 which seeks for interim relief till the Moderator is elected, becomes infructuous.

16. In the earlier suit in C.S.No.86 of 2022, various interim reliefs were sought for. In O.A.No.819 of 2022, an injunction was sought for from conducting the election process prior to streamlining the Electoral College by an Administrator to be appointed by this Court or altering the Electoral College. Further, in A.No.190 of 2023, a prayer to appoint a Former Judge of this Court as interim Administrator for also enquiring into all pending disputes affecting or relating to the Electoral College of the first respondent and the constituent Dioceses of the first respondent and to streamline the Electoral College to conduct the election was also prayed.

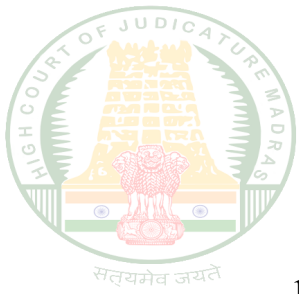
17. This Court had appointed an Administrator who being a retired Judge of this Court empowering him to take necessary steps with regard to composition of the Synod that is the Electoral College in accordance with the CSI Constitution. However, this Court had only set aside the election of the Moderator as being violative of the mandate of the Constitution of the CSI alone. The said order came to be challenged in an Intra-Court Appeal where the Division Bench of this Court having found that the Electoral



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College was defective, had appointed another retired Judge of this Court along with the Administrator appointed by this court by setting aside the election also of the respondents 3 to 5. The said order made in Intra-Court Appeal was subject matter of a SLP before the Hon'ble Apex Court. Where the Hon'ble Apex Court had interfered with the findings of the Hon'ble Division Bench of this Court in the Intra-Court Appeal and restored the findings of the learned Single Judge. The Hon'ble Apex Court had framed six key issues and issue No.4 relates to the election of the Deputy Moderator, General Secretary and Treasurer. The Hon'ble Apex Court while answering the said issue had held that their election would be deemed valid and will continue to hold its legal sanctity however, subject to the out come of the suits.

18. The issue of election of respondents 3 to 5 had also been the subject matter of the suit on the very same ground. The Administrator appointed by this Court had conducted the election of the Moderator in compliance with the direction issued by this Court including the Constitution of the Electoral College. It is not disputed that it was the very same Electoral College which was also voted in the election of the Moderator.



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19. For the aforesaid reasons, this Court do not find any tangible reason for grant of interim orders as prayed for.

20. In fine, the A.No.2416 of 2025 & O.A.518 of 2025 are dismissed as infructuous and A.No.2415 of 2025 & O.A.Nos.517 & 519 of 2025 are dismissed.

26.08.2025

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Index: Yes/No

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K.KUMARESH BABU., J

Gba

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