



A.S.No.658 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Reserved on : 08.07.2025

Pronounced on: 15.07.2025

Coram:

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Appeal Suit No.658 of 2025
& C.M.P.Nos. 13180 & 15736 of 2025

A.W.S.Jayachitra
D/o.A.W.Samuel,
D.No.37, Kamachi Perumal Naidu Street,
Rasipuram Post,
Namakkal District.

... Appellant

/versus/

1. Emmanuel Full Gospel Mission Trust,
Rep. by S.P.Tuhin Samuel,
Chairperson/Trustee,
Agnes Wallen Compound,
No.8-D, Kamarasamy Street,
Rasipuram,
Namakkal District - 637 408.

2. S.David Padmanaban-Managing Trustee,
S/o.of Late Pr.A.W.Samuel,
Agnes Wallen Compound,
No.8B, Kamarasamy Street,
Rasipuram,
Namakkal District - 637 408.



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3. D.Shyla Agnes-Trustee,
W/o.David Padmanaban,
Agnes Wallen Compound,
No.8B, Kamarasamy Street,
Rasipuram,
Namakkal District - 637 408.

4. James Gopalkrishnan-Trustee,
S/o.Sathiyamarayanan,
14/2, Lingappa Lane,
Rasipuram,
Namakkal District - 637 408.

5. Joy Agnees-Trustee,
W/o.Basil Bright,
Vasanthapuram,
Chinnathirupathi,
Kannankurichi,
Salam -636 008.

6. S.P.Tuhin Samuel-Chairperson/Trustee,
S/o.David Padmanaban,
Agnes Wallen Compound,
No.8B, Kamarasamy Street,
Rasipuram,
Namakkal District - 637 408.

7. P.Jacklin
W/o B.Suresh Kanna,
D.No.B-21, Sipcot Housing Colony,
Mookandapalli, Durga,
Houser Post and Taluk,
Krishnagiri District 638 126.



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8. B.Suresh Khanna
S/o.Babu, D.NO.B-21,
Sipcot Housing Colony,
Mookandapalli, Durga,
Houser Post and Taluk,
Krishnagiri District 638 126.

... Respondents/Plaintiff

*R7 and R8 are impleaded vide Court order dated 23.06.2025
made in CMP.No.14216/2025 in AS.No.658/2025 (GJJ)*

Prayer:- Appeal Suit has been filed under Section 96 of the Civil Procedure Code, pleaded to set aside the Judgment and Decree of the Learned Principal District Judge, Namakkal dated 29.04.2025 passed in O.S.No.18 of 2025 by allowing this Appeal.

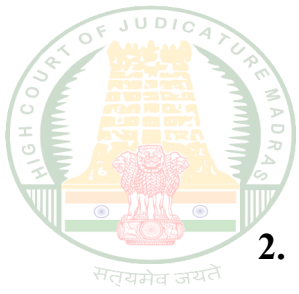
For Appellants : Mrs.Inthu Karunakaran

For Respondents : Mr.P.Subramanian, for R1 to R6

: Mr.T.Gowthaman, Senior Counsel, for
Mr.Anthon Dhanasekaran, for R7 & R8

JUDGMENT

A third-party appeal is directed against the judgment and decree passed in O.S. No. 18 of 2024, on the file of the learned Principal District Judge, Namakkal.



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2. The point involved in the appeal is as follows:

Respondents 1 to 6 had filed a suit under Section 92 of the Code of Civil Procedure, seeking permission to sell the suit schedule property and utilize the sale proceeds for renovation, alteration and construction of Immanuel Church (Cathedral). Agnes Wallen Bishop house, Emmanuel Hospital and Emmanuel Chapel.

3. Considering the evidence let in by the 6th respondent, S.P.Tuhin Samuel, who claimed to be a Chairperson/Trustee of the Immanuel Trust and relying on Exhibits A1 to A13, the learned Principal District Judge, Namakkal, allowed the suit and granted permission to sell the suit property and utilize the proceeds as prayed for.

4. In the appeal, the third party (appellant) contended that the suit property is not the property of the trust, but belongs to A.W.Samuel, who is her adopted father. He had executed a *Will* in her favour, bequeathing the said property, along with other properties. The appellant also pointed out that several suits are pending between rival claimants over the property. Despite such disputes,

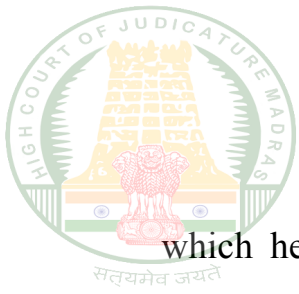


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the respondents obtained the decree suppressing material facts, claiming as if property belongs to the Trust and permission to sell it for the construction of the church.

5. It was further contended by the learned Senior Counsel for the appellant that the property is also the subject matter of a collateral proceeding in A.O.P. No. 33 of 2010, which has already been stayed by the High Court in C.M.P. No. 24308 of 2024 in C.R.P.No.4363 of 2024. The decree in O.S. No. 18 of 2025 was obtained behind the back of the appellant, who has a valid interest in the property as the adopted daughter of A.W.Samuel, in whose name the property stands. Respondents 7 and 8, who were subsequently impleaded, supported the appellant's case, asserting their individual claims over the suit property and pointing out the litigations pending in respect of the property.

6. The learned counsel appearing for respondents 1 to 6 submitted that the property was originally purchased by A.W.Samuel in his personal name on 24.04.1963. During his lifetime, A.W.Samuel dedicated his life to the establishment and development of the Immanuel Full Gospel Mission Church,

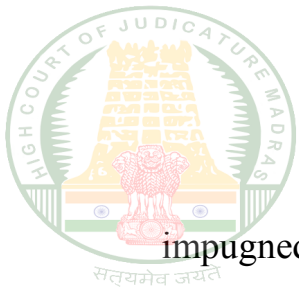


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which he founded in the year 1951. Subsequently, several supplementary trust deeds were executed during his lifetime. The property, though purchased in Samuel's personal name, he dedicated it to the Trust. After his demise on 29.03.1993, the Trust and its properties have been managed by the present trustees (respondents 1 to 6). The suit schedule property was sought to be sold for renovation of Immanuel Church (Cathedral). Agnes Wallen Bishop house, Emmanuel Hospital and Emmanuel Chapel. After passing a proper resolution, the trustees approached the Court in O.S. No. 18 of 2025, seeking permission to sell the property. The trial court, after appreciating the evidence, granted permission accordingly.

7. The learned counsel for respondents 1 to 6 also conceded that certain litigations involving the title and rights over the suit property are pending in Courts.

8. This Court, after considering the rival submissions and voluminous records relating to the title dispute, refrains from expressing any opinion on the ownership of the suit properties. However, hold that the permission to sell the suit property must be withheld until the title dispute is finally adjudicated. The



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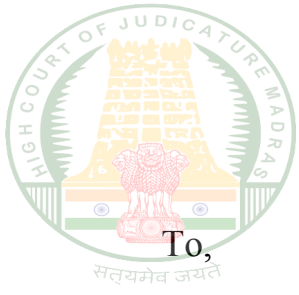
impugned judgment and decree, passed without considering the rival claims, is liable to be set aside. Accordingly set aside without any observation on the locus standi or ownership rights of the appellant, which is an issue already subjudice.

9. As a result, this *Appeal Suit is allowed*. The judgment and decree passed in O.S. No. 18 of 2025 dated 29.04.2025 is set aside. Consequently, the connected Civil Miscellaneous Petitions are closed. There shall be no order as to costs.

10. This Court hastens to add as clarification that neither the dismissal of the suit nor allowing of the appeal will confer any title or rights either upon the appellant or the respondents. The rights and title over the property shall be adjudicated independently in the litigations already pending. This order is confined only to the withdrawal of permission granted to respondents 1 to 6 to sell the suit schedule property.

15.07.2025

Index :Yes/No.
Neutral citation :Yes/No.
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To,

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1. The Principal District Judge, Namakkal.

2. The Section Officer, V.R.Section, High Court, Madras.



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Dr.G.JAYACHANDRAN,J.

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Judgment made in
Appeal Suit No.658 of 2025

15.07.2025