



A.Nos.5765 and 5766 of 2025 in
C.S.No.109 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2025

CORAM :

THE HONOURABLE MR.JUSTICE P.DHANABAL

A.Nos.5765 and 5766 of 2025 in
C.S.No.109 of 2025

1. Milton Babu
2. Benedict I.R
3. S.Manimaran
4. D.Sureshkumar
5. J.Gunasekaran
6. D.Christopher
- 7.G.Manuvel

... Applicants in A.No.5765 of 2025

1. Gummadi Prabhu Kiran Kumar
2. K.Dayanand
3. Reverend Mekala Jayanand
4. T.Ravikumar
5. Ravula Samson Jayker
6. Manthri Solomon Raju
7. Wilson Mettu
8. G.Eber Jaya Paul
9. V.S.Naveen Shailender
10. Kurukuntala James Cecil Victor
11. P.Isiah Pradeep
12. J.Rahul Edward
13. D.Mani Charles

... Applicants in A.No.5766 of 2025

VS

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



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7. The Church of South India
rep. By its Officer Bearers, CSI
Synod Secretariat,
CSI Centre, No.5, Whites Road,
Royapettah, Chennai – 600 014
8. Church of South India Trust Association,
A registered Company rep. By its
Directors, CSI Synod Secretariat,
No.5, Whites Road, Royapettah,
Chennai – 600 014
9. K.Reuben Mark
10. C.Fernandaz Rathina Raja
11. Vimal Sukumar
12. Rev.Dr.R.Rajastalin
13. Rev.J.Stalin Prabakar
14. Rev.J.C.Ravichandran
15. D.Damodharan Ganiah
16. N.Sam Jeyapaul
17. Rev.C.Jacob Wincilin
18. Nelson Chelladurai
19. Arul Jeevaraj Desing
20. Rev.A.Devendra Kumar
21. Rev.J.Kuttimani
22. Edward Johnson
23. Charles Sundar Singh
24. D.Joshua Devapriyan
25. E.Prabakar Sathya Singh
26. A.Sugirthajaj
27. P.Ebenezer
28. A.Rathinaswamy
29. Devapriyan
30. D.Wesley Daniel
31. C.Samuel Jebakumar
(Defendantants 16-25 impleaded as per the
order dated 30.10.2025 in A.No.3851 of 2025
and time extended as per the order dated 04.11.2025
in C.S.No.109 of 2025)
32. S.Kumar Alias Sivakumar
33. J.Roshan
34. A.Joshua
35. S.R.Esha
36. B.Bhaskara
37. Denil Thomas
38. Stanly John

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39. P.Kunjumon
40. Rev.Sanilraj Simon
41. Rev. Albin Rose M.Wilson
42. S.Shajimon
(Defendants 31 to 36 impleaded as
per order dated 30.10.2025 in
A.No.5335 of 2025 and time
extended as per order dated
04.11.2025 in C.S.No.109 of 2025) ..Respondents in A.No.5765 of
2025

Prayer in A.No.5765 of 2025: Application filed under Order XIV Rule 8 of the Original Side Rules r/w Order 1 Rule 10(2) & Section 151 of Civil Procedure Code to implead the applicants herein as defendants in C.S.No.109 of 2025.

Prayer in A.No.5766 of 2025: Application filed under Order XIV Rule 8 of the Original Side Rules r/w Order 1 Rule 10(2) & Section 151 of Civil Procedure Code to implead the applicants herein as defendants in C.S.No.109 of 2025.

A.No.5765 of 2025

For Applicants : Mr.A.L.Franc Paul Asirvadam

A.No.5766 of 2025

For Applicants : Ms.Ramapriya Gopalakrishnan

COMMON ORDER

These applications have been filed by the applicants to implead them as defendants in the suit.

2. According to the applicants in A.No.5766 of 2025, the applicants are members of the Medak Diocese and have been active and communicant members of the Church of South India and their
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membership continues to be recognised by the ecclesiastical authorities of the Church. The applicants were informed about the notice published in the Chennai Edition of 'The Hindu' Newspaper, regarding the above suit, which was filed under Order 1 Rule VIII of Civil Procedure Code. Further, the applicants were also aware that litigation concerning the very same subject matter have been previously instituted and was adjudicated upon before the Hon'ble Supreme Court of India in S.L.P. (C) Nos.9079-9081 of 2024 and the Hon'ble Supreme Court had set aside the order passed by this Court in O.S.A.No.198 of 2023, 31-32 of 2024 and O.S.A.Nos.69 of 2022, 189, 191, 204 and 205 of 2023, which had invalidated the election of the office bearers, i.e., Deputy Moderator, the General Secretary and the Treasurer of the Church of South India for the Triennial (2023-2026). Now the issues sought to be raised in the present suit were not agitated in the earlier proceedings, having failed to do so at the appropriate time, the plaintiffs cannot seek to re-open the matter under a fresh cause of action through a different set of individuals. The present litigation does not serve the welfare to the institution and has not been initiated in the interest of the Church or its members. Further, it appears to be motivated by personal agendas pursued by certain vested interests. The plaintiffs lack the support of the majority of these members and therefore, may not be entitled to maintain a representative suit on behalf of the entire church community.



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Therefore, the leave granted to the plaintiffs be revoked, as they are not personally aggrieved by the election of the officers concerned and with utmost respect, plaintiffs cannot maintain the present suit. Further, the applicants are active communicant members and they are entitled to participate in ecclesiastical governance, elect and be represented by legitimate office bearers. Therefore, the applicants' presence in the proceedings are just and necessary to safeguard the continued functioning of the duly elected office bearers, who were reinstated pursuant to the orders of the Hon'ble Supreme Court and hence the applicants have to be impleaded as defendants 37 to 49 in this suit.

3. As far as the application in A.No.5765 of 2025 is concerned, the applicants are the members of the Trichy-Tanjore Diocese and active and communicant members of the Church of South India since the year 1990. The 1st applicant belong to CSI, Ellis Memorial Church, Dharapuram, 2nd applicant belongs to CSI, All Saints Church, 3rd applicant belongs to CSI St. Pauls Church, Woraiyur, 4th applicant belongs to CSI St.Andrews Church, 5th applicant belongs to CSI, Ellis Memorial Church, Dharapuram, 6th applicant belongs to CSI Holy Trinity Church, Kattur and 7th applicant belongs to CSI Ellis Memorial Church, Dharapuram and they also came to know about the suit through Publication in Hindu Newspaper and they have a vital interest in

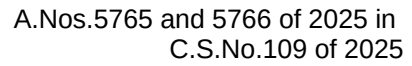


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safeguarding ecclesiastical integrity and organisational continuity of the church, and in ensuring that its representative authority is not undermined through repetitive and collateral proceedings and the applicants presence in the proceedings is necessary to safeguard the continued functioning of the newly elected Office Bearers, who were reinstated pursuant to the order of the Hon'ble Supreme Court.

4. The respondents have not filed counter affidavit to the present applications.

5. The learned counsel for the applicants would submit that the plaintiffs filed the suit to (i) Declare the composition of the Synod for the triennium 2023-2026 as on 13-16.01.2023 is not in compliance with the CSI Constitution (ii) Declare the election of the 3rd defendant as Deputy Moderator of defendant no.1 and consequently his appointment *ex officio* as member / director of defendant no.2 as illegal and void (iii) Declare the election of 4th defendant as General Secretary of defendant no.1 and consequently his appointment *ex officio* as member / director and Secretary of defendant no.2 as illegal and void (iv) Declare the election of the 5th defendant as Treasurer of defendant no.1 and consequently his appoint *ex officio* as member / director and treasurer of defendant no.2 as illegal and void (v) Declare the provisions of Bye



contravening the CSI Constitution, illegal and void and hence set aside the said election and consequently direct the fresh elections be conducted to the post of Treasurer for the triennium 2023-2026. (vi) Declare the orders issued by the defendants 3 to 5 relating to the appointments, transfers and consecration of bishops as illegal and void. The above said suit has been filed as representative capacity and these applicants came to know about the notice published in the Hindu Newspaper and already, the subject matter had been adjudicated by the Hon'ble Supreme Court and now the issue sought to be raised in the present suit are not adjudicated in the earlier proceedings. Having failed to do so at the appropriate time, cannot seek to reopen the matter under the guise of fresh cause of action to a different set of individuals. These applicants are active communicant members and individuals and they are entitled to participate in the ecclesiastical governance, elect and be represented by legitimate office bearers, therefore, they are also necessary parties to be impleaded for effective disposal of the case and prayed to allow this application.

6. Though the respondents have not filed counter, according to the respondents, the suit has been filed under representative capacity and already paper publication was issued and the applicants also



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having the same interest and already suit has been represented through office bearers and other defendants. The main suit is challenging the election process and the procedures adopted in the election and also to declare the Bye-laws as relating to Chapter 9 Rule D of CSI as contemplated in the CSI constitution as null and void and therefore, already sufficient representation are available to defend the suit and therefore, the presence of these applicants are not necessary. As per Order 1 Rule 8 Sub Clause 5 of Civil Procedure Code, where any person suing or defending in any such suit does not proceed with due diligence in the suit or defend, the Court may substitute in this place any other person having the same interest in the suit and therefore, the suit can be disposed of effectively with the available defendants and if the persons are impleaded, then, it will cause unnecessary delay and defeat the purpose of Order 1 Rule 8 and as per Order 1 Rule 8(1)(b) of CPC, the Court may direct that one or more such persons may sue or be sued or may defend such suit on behalf of or for the benefit of all persons so interested, therefore, these applicants need not be impleaded and already there are sufficient representations to defend the suit and therefore, the applications are liable to be dismissed.

7. Heard the learned counsel appearing for the applicants and perused the entire documents placed on record.



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8. In this case, the plaintiffs have filed the suit challenging the election process and also the appointment of office bearers and the Bye-laws. The suit is filed under the representative capacity and already publication was effected and based on the said publication, now the applicants have filed these applications having same interest in the suit. Already in the suit, 36 defendants were included and all the office bearers of the Church were also included, initially five defendants were added as parties and thereafter, 6 to 36 defendants were impleaded and now, these applications have been filed by the applicants to implead them as parties.

9. As far as these applicants are concerned, they came to know about the suit through Publication in Hindu Newspaper and they have a vital interest in safeguarding ecclesiastical integrity and organisational continuity of the church, and in ensuring that its representative authority is not undermined through repetitive and collateral proceedings and the applicants presence in the proceedings is necessary to safeguard the continued functioning of the newly elected Office Bearers, who were reinstated pursuant to the order of the Hon'ble Supreme Court.



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10. Taking note of the fact that there is a substantial

representation of behalf of the defendants and all the parties have same interest, it is not necessary to include these applicants as parties and as rightly contended by the learned counsel appearing for the respondents that as per Order 1 Rule 8(1) of CPC, where there are numerous persons having the same interest in one suit (a) one or more of such persons may with the permission of the Court sue or be sued or may defend such suit on behalf of or for the benefit of all the persons, so interested. (b) the court may direct that one or more of such persons may sue or be sued or may defend such suit on behalf of or for the benefit of all persons so interested. Therefore, there is already substantial representation of behalf of the defendants, therefore, the presence of the applicants are not essential. Further, in order to avoid complications, these applications for the impleadment of the parties are not necessary and the applications are liable to be dismissed.

Accordingly, the applications are dismissed.

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Index : Yes/No
Speaking Order : Yes/No
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ssd

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