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O.S.A.No.270 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE C.SARAVANAN

O.S.A.No. 270 of 2025

and

C.M.P.Nos.19672, 21666, 21644 & 21649 of 2025

1.D.Neegar Prince Giftson

2.Rev. V.M.S.Tamil Selvan

...Appellants

Vs.

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

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

3.Rev.Dr.A.R.Chelliah,
Bishop-in-Charge,
The CSI Thoothukudi-Nazareth Diocese,
100, Beach Road,
Caldwell School Campus,
Thoothukudi – 628 001.

...Respondents



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PRAYER: This Original Side Appeal filed under Order 36 Rule 9 of the Original Side Rules read with Clause 15 of the Letters Patent praying to set aside the order dated 11.07.2025 made in C.S.No.225 of 2024 and allow the above Original Side Appeal with costs.

For Appellants : Mr.N.Ramesh

For M/s.Easter Legal

For Respondents : Mr.V.Prakash, Senior Counsel

For Mr.Adrian D.Rozario for R1

Mr.M.K.Kabir, Senior Counsel for R2

Mr.V.Raghavachari, Senior Counsel

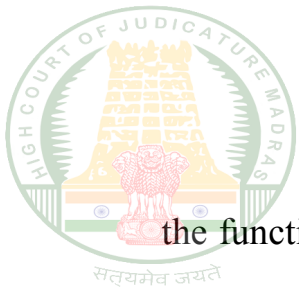
For Mr.Kingsley Solomon for R3.

J U D G M E N T

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

The present Original Side Appeal has been instituted challenging the judgment dated 11.07.2025 in C.S.No.225 of 2024.

2. The plaintiffs are the appellants in the present appeal. The suit was instituted seeking a declaration of the communications dated 30.04.2024, 03.05.2024 and 22.05.2024 passed by the 2nd defendant the Administrators, Church of South India as null and void and for grant of permanent injunction restraining the defendants and their men, representative from interfering with



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the functioning of the plaintiffs and other office bearers. It is an admitted fact

between the parties that several litigations have been instituted between the parties regarding administration and elections of the Church of South India.

3. In the suit in C.S.No.225 of 2024 an interim injunction was initially granted in O.A.No.688 of 2024 and the 3rd defendant filed an application in A.No.5391 of 2024 to vacate the interim injunction granted. The learned Single Judge passed an order on 11.12.2024 allowing the petition filed to vacate the interim injunction ordered and O.A.No.688 of 2024 was dismissed. Challenging the said order of the learned Single Judge O.S.A.No.247 of 2024 was filed by the appellants/ plaintiffs. By consent of the parties, the Division Bench appointed an interim Administrator for administering the day to day affairs of the Church of South India, Thoothukudi Nazareth Diocese and to hold election, which is due for the Diocese. The order was passed on 18.12.2024. Subsequently the said order was modified by consent and the Hon'ble Mr.Justice P.Jothimani, a retired Judge of this Court was appointed as an interim Administrator in the place of the Hon'ble Mr.Justice N.Paul Vasanthakumar, the retired Chief Justice of Jammu and Kashmir by order dated 10.01.2025.

4. When the matter stands as this, parallel proceedings initiated



challenging the administration and conduct of election for the Synod was taken

up for adjudication before the Hon'ble Supreme Court of India. A batch of Special Leave Petitions have been instituted before the Hon'ble Supreme Court of India, all connected with election of office bearers to Synod and the administration of Synod. The Hon'ble Supreme Court had elaborately considered the issue relating to election of Synod and Administration of the Church of South India vide order dated 2nd May 2025 and in para 60.1 the Hon'ble Apex Court made findings as follows:-

60.1 Since the findings and conclusions of the learned Division Bench have been set aside, the order previously passed by the learned Single Judge shall stand restored and will continue to remain in force. Consequently, the elections conducted for the other office bearers—namely, the Deputy Moderator, the General Secretary, and the Treasurer—shall be deemed valid and will continue to hold legal sanctity but will be subject to the outcome of the suits.

5. The conclusion made by the Hon'ble Supreme Court in the batch of Special Leave Petitions is available in para 64 to 66, which read as under:-

In light of the foregoing reasons, the following orders passed by the subordinate courts are hereby quashed by this Court:



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64. In the light of aforementioned facts and circumstances, the appeals stand disposed of and the common order dated 05.09.2023 passed by learned Single Judge in O.A. No. 818/2022, O.A. No. 819/2022 and A. No. 5961/2022 in C.S. No. 274/2022 and O.A. No. 21/2023, O.A. No. 22/2023 and O.A. No. 190/2023 in C.S. No. 7/2023, findings regarding *Order 1 Rule 8 of CPC* are hereby quashed to such extent. Furthermore, the impugned orders dated 12.04.2024 passed by learned Division Bench in O.S.A Nos. 198/2023, 31-32/2024 and impugned order dated 27.02.2024 passed by learned Division Bench in O.S.A Nos. 69/2022, 189/2023, 191/2023, 204-205/2023 are hereby set aside to the said extent.

65. Accordingly, there shall be an order of interim injunction restraining the respondents/defendants from giving effect to the resolution passed in the meeting convened on 7th and 8th March 2022, concerning the fixation of the upper age for the Bishops and tenure of the elected members until the final disposal of the pending suits.

66. However, it is made clear that the observations contained in this order are only prima facie in nature and shall not be construed as a reflection on the merits of the aforementioned civil suits, which shall be decided independently at the stage of final adjudication. Furthermore, we recognise that the power to amend the CSI Constitution rests with the Synod, and nothing in this order should be interpreted as interference with that amending power. The Court's ruling



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herein is limited to the legal issues presented before us and does not constitute a determination on the substantive merits of the underlying disputes.

6. The appellants mainly raised a ground that the validity of the election conducted to Synod was upheld by the Hon'ble Supreme Court of India and therefore, the Synod will conduct further elections to the Diocese. Since the office bearers of the Synod resumed their powers, the appellants/ plaintiffs have given a letter seeking permission for withdrawal of the suit on 25.06.2025 to the Deputy Registrar (Original Side) of High Court of Madras. The said letter stands extracted hereunder:

Date 25-06-2025

To

*The Deputy Registrar (Original Side)
High Court, Madras.*

Sir,

*Sub: Pray to withdrawal of the Suit in C.S.No.225 of
2024 – to post before Court – Request – Reg.*

*Ref: Ordere dated 02.05.2025 in SLP.No.9079 to 9081 /
2024 on the file of Hon'ble Supreme Court.*

*In accordance with the above cited Hon'ble Supreme
Court Order the Office bearers of the CSI Synod - 2nd defendant*



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took charge of the Administration of CSI Synod including the CSI Thoothukudi Nazarath Diocese. Therefore the Plaintiff instructed to withdraw the suit.

I therefore request the registry to post the matter before court on 26-06-2025 for withdrawal.

Thanking you,

Yours Faithfully,

Sd/-

7. A perusal of the letter shows that the appellants/ plaintiffs seeks withdrawal of the suit simpliciter. No liberty is sought for under Order XXIII of the Code of Civil Procedure. When a letter seeking withdrawal of the suit simpliciter has been filed by the plaintiffs, the said letter was acted upon by the trial Court and the appellants/plaintiffs were permitted to withdraw the suit. The order impugned shows that C.S.No.225 of 2024 is dismissed as withdrawn.

8. The question arises after permitting the plaintiffs to withdraw the suit, whether the trial Court can issue any further directions for continuance of the Administrator to run the administration and to conduct elections.

9. In the present case, the election of Synod was upheld by the Hon'ble Supreme Court and the office bearers of the Synod had resumed their powers by virtue of the order of the Hon'be Supreme Court dated 2nd May 2025. Under those circumstances, the appellants/ plaintiffs have chosen to withdraw the suit.

7/13



Accordingly, the trial Court permitted the plaintiff to withdraw the suit. Once

the suit has been withdrawn simpliciter, without seeking any liberty for institution of a fresh suit, the question of issuing any further directions or acting upon the interim orders or appointment of an interim Administrator would not arise at all. Admittedly, it is an appointment of an interim Administrator, which cannot be equated with appointment of a Receiver.

10. In this regard, it is relevant to rely on the judgment of the Allahabad High Court in ***Smt.Raisa Sultana Begam and others Vs. Abdul Qadir and others*** reported in ***AIR 1966 ALL 318***:

It stands to reason that when on withdrawal the plaintiff ceased to be a party and the Court ceased to have jurisdiction over his suit and thus became functus officio nothing but a fresh suit can again invest the Court with jurisdiction over it. As far as the withdrawn suit is concerned the suit is at an end and no further proceeding can be taken in it; the suit and the plaintiff do not exist and no application such as one for revoking the withdrawal can be made in the suit or by the plaintiff or entertained. So long as the suit was pending the plaintiff had a status and could exercise the right of withdrawing the suit which vests in a plaintiff; after he ceased to be the plaintiff on withdrawal he is left with no status and cannot make any application 01 cannot do any act as a plaintiff. We are supported in this view by the decision of Ross and Pearson, JJ.



in *Rajah Shamsheer Bahadoor v. Mahomed Ali Beg*, (1867) 2

Agra HCB 158.

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11. In the case of *Messer Holdings Ltd. Vs. Shyam Madanmohan Ruia and others* reported in (2016) 11 SCC 484 the Hon'ble Supreme Court held in para 34 as follows:-

34. SUIT-I is admittedly withdrawn, therefore, any order passed during the pendency of the said suit by any court (including this Court) in any proceeding arising out of the said suit automatically lapses with the withdrawal of the suit. A logical consequence flowing from such lapsing of the orders is that any act or omission of any party to the said suit, either in pursuance of or in obedience to such interlocutory orders would be without any legal efficacy.

12. In the appeal on hand, it is not in dispute that the Hon'ble Supreme Court decided the validity of the election conducted for Synod and the orders of the High Court were set aside and the election of Synod was upheld. Accordingly, the office bearers resumed their powers and started functioning. Under those circumstances a letter was given by the appellants/ plaintiffs for



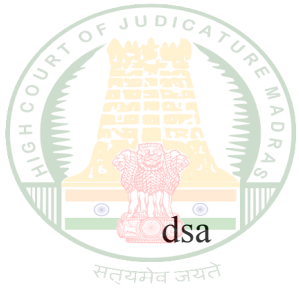
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withdrawal of the suit simpliciter. The learned Single Judge allowed the plaintiffs to withdraw the suit and consequently the suit in C.S.No.225 of 2024 was dismissed as withdrawn. Therefore, continuance of interim Administrator or conduct of elections to the Diocese would not arise at all. It is for the Synod to run the affairs of the administration of the Church of South India and to conduct elections to Diocese by following the procedures contemplated under the bye-laws. If any grievance exists to any of the parties they are at liberty to workout their remedy in the manner known to law.

13. In view of the facts and circumstances, paragraph No.25(a) dismissing the suit in C.S.No.225 of 2024 as withdrawn and paragraph No.25(d) that there shall be no order as to costs are confirmed. The directions issued in paragraph Nos.25(b) and 25(c) are set aside.

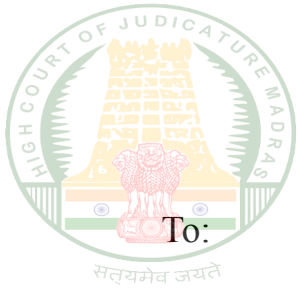
14. The Original Side Appeal stands **allowed in part.** No costs. Consequently, the connected miscellaneous petitions are closed.

(S.M.S., J.) (C.S.N., J.)
03.09.2025



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Internet :Yes/No
Index :Yes/No
Neutral Citation :Yes/No
Speaking/Non-speaking order



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To:

1. The General Secretary,
Church of South India,
CSI Synod Secretariat, CSI Centre,
No.5, Whites Road, Royapettah,
Chennai – 600 014.
2. The Administrators,
Church of South India,
CSI Synod Secretariat, CSI Centre,
No.5, Whites Road, Royapettah,
Chennai – 600 014.
3. Rev. Dr. A. R. Chelliah,
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S.M.SUBRAMANIAM, J.
and
C.SARAVANAN, J.

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