



WEB COPY

CRP.No.597 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2025

CORAM

THE HONOURABLE MR. JUSTICE P.B.BALAJI

CRP.No.597 of 2024

and

CMP.No.2158 of 2025

1.D.Rajarathinam

2.R.Sambath

... Petitioners/Plaintiffs

Vs.

1. C.S.I.Coimbatore Diocese,

Rep. by its Bishop Rt.Rev.Thimothi Ravindar,

having office at 256,

Race Course Road,

Coimbatore - 641 018.

2. Rt.Rev.Timothy Ravinder

3. Rev.S.Nathaniel Jayaraj

4. J.Justine Jayasundaram ... Respondents 1 to 4 / Defendants

5. Church of South India,

Erode - Salem Diocese,

having office at C.S.I.compound,

Brough Road,

Erode - 638 001.

... 5th Respondent / Proposed 5th Defendant

Civil Revision Petition filed under Article 227 of the Constitution of India as against the fair and final order dated 09.10.2023 made in I.A.No.11 of 2023 in O.S.No.131 of 2019 on the file of Principal District Munsif, Tiruchengode.

For Petitioner : Mr.K.Sathish Kumar



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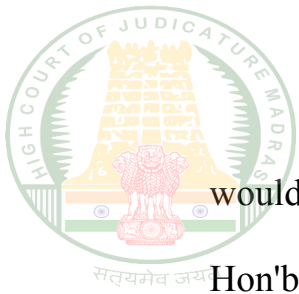


For Respondents : Mr.G.Bala
for M/s.G.Bala & Daisy for R1 & R2
: No appearance - R3 to R5

ORDER

The Civil Revision Petition is filed by the plaintiffs, who are aggrieved by the order of the trial Court in I.A.No.11 of 2023 in O.S.No.131 of 2019 dated 09.10.2023, in and by which, the plaintiffs have sought impleadment of fifth defendant, namely Church of South India, Erode.

2. Learned Counsel for the petitioners / plaintiffs would submit that the plaintiffs came to know that the 2nd and 3rd respondents Dioceses are functioning at Erode in terms of proceedings in ESD/OR03/2023 dated 08.07.2023 and in view of the same, the proposed 5th defendant being a necessary party, has to be impleaded. The said application was resisted by the defendants and on enquiry, the trial Court has dismissed the application by holding that the petitioners / plaintiffs have not made out any sufficient cause for impleading the proposed party in the original suit. The trial Court has also taken note of the fact that the suit is ripe for arguments and in fact the defendants have already advanced their arguments as well and considering all these factors, the trial Court has dismissed the application. Learned Counsel



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would submit that in view of the bifurcation which had been approved by the Hon'ble Supreme Court, the proposed 5th defendant would have to be necessarily impleaded in the suit, for effective adjudication of the issues that arise for consideration.

3. Per contra, the learned Counsel for the respondents 1 and 2 would first and foremost submit that the suit itself has become infructuous, since the relief sought for in the plaint pertains to adjudication of the notification of the year 2019 - 2022 and since, election has already been held and Office Bearers who were elected have in fact completed their three year tenure and thereafter, fresh elections have also been held. Further he would contend by pointing to the relief sought in the plaint, that there is no relief as against the defendants 1 and 2 and would further state that there is no necessity to implead the proposed 5th defendant, especially when the plaintiffs have restricted their relief only against the third defendant and not against other defendants.



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4. I have carefully considered the submissions made on either side.

5. As rightly pointed out, the subsequent event with regard to second and third defendants functioning at Erode, would not alter the original cause of action that was available to the plaintiffs, especially in the light of the relief sought for against the third defendant alone. It is yet another matter that the suit reliefs have also become infructuous. However, without going into that issue, which has to be adjudicated before the trial Court, I find that the fifth defendant is neither a proper nor a necessary party, to decide the issues that arise for consideration, which are only directed against the third defendant and not against the defendants 1 and 2.

6. Merely because pending suit, the second and third defendants Dioceses are functioning at Erode, does not give a right to the plaintiffs to seek impleadment of the fifth respondent / proposed fifth defendant. Therefore, I do not see any error apparent in the order of the trial Court warranting interference in revision, under Article 227 of the Constitution of India.

In the result, the Civil Revision Petition stands dismissed. No costs.



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Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Website:yes/no
Speaking Order/Non-Speaking Order
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To
The Principal District Munsif, Tiruchengode.



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P.B.BALAJI, J.

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