

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

28.08.2020

CORAM

**THE HONOURABLE Ms. JUSTICE P.T. ASHA**

MEMO-XII  
in  
Tr.CS.No.741 of 2017

India Evangelical Lutheran Church (I.E.L.C),  
Represented by its Adminstrtor Mr. Justice  
D. Hariparanthanam (Retired) Judge,  
Madras High Court

...applicant

1. Mr. Baulsundar  
2. Bennet Stephenson

Vs

...respondents

**PRAYER:** Memo – XII filed seeking:

i) To grant stay of all further proceedings in O.S.No.142 of 2020 on the file of the Additional District Munsif Court, Thanjavur.

ii) To strike off the plaint in O.S.No.142 of 2020 on the file of the Additional District Munsif Court, Thanjavur.

FOR:

Applicant: Mr.Ravindran, Senior Counsel for Administrator

**ORDER**

This Memo XII has been filed for the following reliefs:

- i) *To grant stay of all further proceedings in O.S.No.142 of 2020 on the file of the Additional District Munsif Court, Thanjavur.*
- ii) *To strike off the plaint in O.S.No.142 of 2020 on the file of the Additional District Munsif Court, Thanjavur.*

2. By an order dated 24.07.2020, this Court had passed the following order.

*"Be that as it may this clearly confirms that the property in question belongs to the IELC and therefore no other person can collect the rents in the name of IELC or otherwise. This Court is called upon to protect the interests of the true owner to the property and proceeds therefrom. Therefore in the interest of justice and balance of inconvenience there shall be an interim injunction*

*restraining Rev.C.Ravi or any other person claiming through him, or on his behalf from collecting monthly rent from any one the tenants in St.Lukas Shopping Complex, St.Lukas Church Compound, No.8, Medical College Road, Thanjavur until further orders. There shall also be a direction to all the tenants occupying the said premises to remit monthly rents into the bank account of the IELC -Trust Association which is as follows:- Canana Bank Account No.2404101004762, IFSC Code:- CNRB0002402 and to no other person until further orders of this Court."*

सत्यमेव जयते

3. It is brought to the notice of this Court through Memo.No.XII filed by the Hon'ble Administrator that the said Rev.C.Ravi has filed a suit on the file of the Additional District Munsif, Thanjavur in OS.No.142 of 2020 against the IELC represented by the Secretary. The fact that the plaintiff has impleaded the Secretary of the IELC itself shows the subterfuge being

practised by the said Rev.C.Ravi especially when he is well aware that by orders of this Court dated 31.07.2018 an interim Administrator, who is none less than a retired Judge of the High Court, has been appointed as the Administrator and all authority to administer and manage the IELC and its assets is entrusted to the Administrator till such time as election is conducted and a new set of office bearers elected as per the by-laws of the Church. Suppressing the appointment of the Administrator, this Suit has been filed for an injunction restraining the respondent IELC from managing the shopping complex which is under his management described as suit schedule property except by due process of law.

4. The plaintiff has also in his plaint filed in the suit O.S.No.142 of 2020 putforth a false statement that the Administrator has been appointed only for the purpose of conducting elections. This Court in its order dated 31.07.2018 has clearly spelt out that the Hon'ble Administrator has complete powers to administer the properties of the IELC and its affairs. This Court by its order dated 24.07.2020 had clearly enjoined the Rev.C.Ravi from collecting the monthly rents from any one of the tenants and had directed all the tenants to deposit the monthly rents into the Bank account of the IELC

Trust Association with the Canara Bank. The details of the bank account was also given in the order dated 24.07.2020. All these facts have been suppressed by the said Rev.C.Ravi while filing the said suit.

5. The papers filed along with the Memo.No.XII would show that order of this Court has been posted on the Website of the IELC on 24.07.2020 itself and the Hon'ble Administrator had also sent a notice dated 28.07.2020 to the Rev.Ravi enclosing the order dated 24.07.2020. Therefore when the instant suit has been filed by the Rev.C.Ravi, he was aware about the orders of this Court dated 24.07.2020, which was uploaded on the website of the IELC to which every member has an access. These facts have been deliberately suppressed.

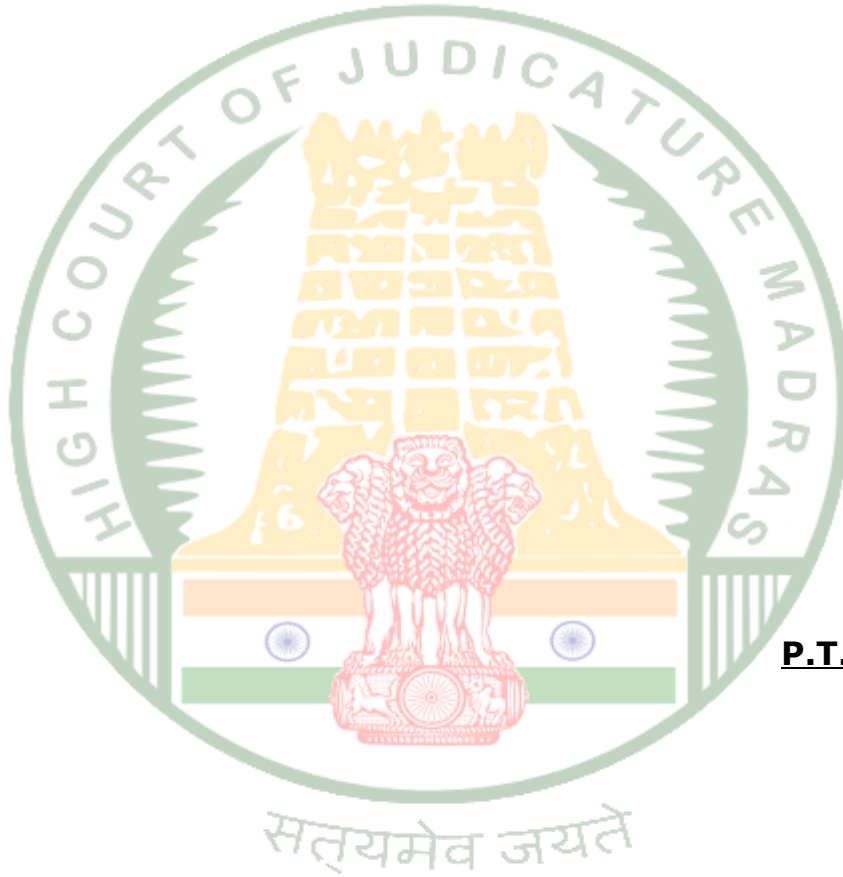
6. In the light of the above, there shall be an interim order of stay of all further proceedings in the Suit OS.No.142 of 2020 on the file of the Additional District Munsif, Thanjavur until further orders of this Court. The Registrar (Judicial) shall communicate to the learned Additional District Munsif, Thanjavur this order on account of paucity of time and as the suit is listed for hearing on 31.08.2020.

28.08.2020

**mrn**

Index : Yes/No

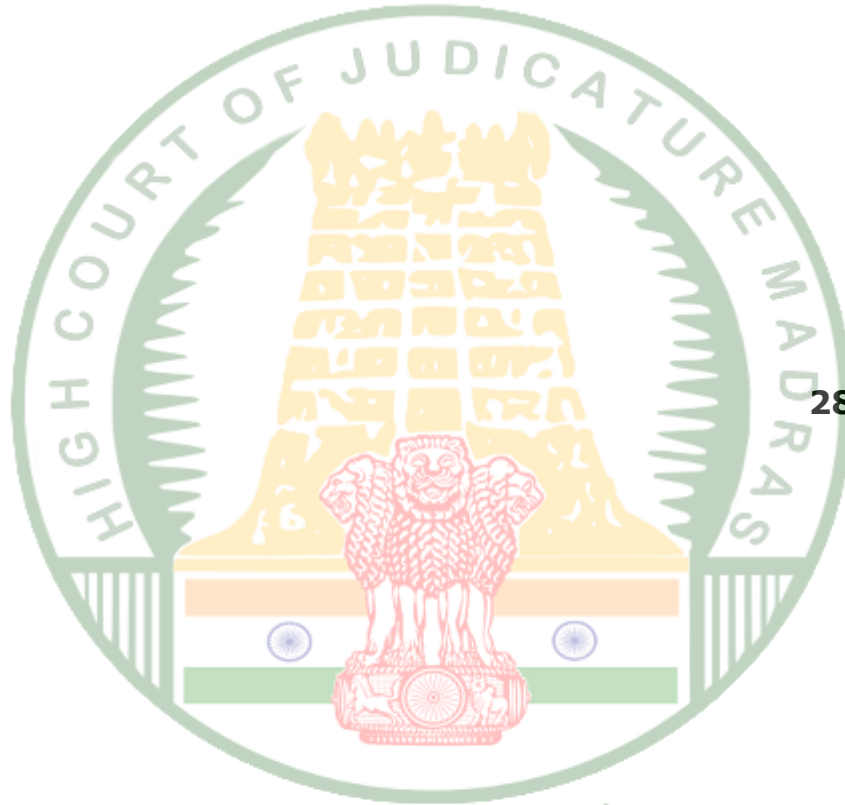
Speaking order/non-speaking order



**P.T.ASHA, J.,**

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