

Sri.BMA Adv has filed an application to prephoned the matter for hearing, the said intimation is sent through E-mail.

As per the request of the counsel for the Respondent Nos. 1 to 3 the matter was advanced on today's board.

Registry has accommodated for virtual hearing of the said matter by sending the link to the learned counsels for the Petitioners and Respondent Nos.1 to 3.

Sri.BMA Adv filed power for Respondent Nos.1 to 3 through electronic process and also filed objections to the Arbitration Application alongwith 4 documents – 1) xerox copy of Chapter -XI of the Constitution of the Church of South India 2016; 2) typed copy of the orders of the Hon'ble Apex Court in Transfer Petition (C) Nos. 775-776 of 1996 with SLP (C) Nos. 7218 of 1997 and 1221 of 1997; 3) letter dt. 06.07.2020 and 13.07.2020.

Hearing of the matter was held through video conferencing, wherein the learned counsel for the Respondent Nos.1 to 3 would submit that matter is urgent as the salaries of the personals working in the institutional is heldup and the other matters are required to be discuss in the meeting of the Executive Committee which is scheduled on 23.07.2020.

The learned counsel for the Petitioner has intimated through E-mail that he is unable to attend the V.C., owing to some medical emergency.

Considering the reasons putforth by the learned counsels for the Petitioner and the Respondent Nos. 1 to 3, the matter is adjourned till 23.07.2020.

The learned counsel for the Respondent Nos. 1 to 3 would contend

that, the interim orders passed by this Court on 13.07.2020, need not be extended as the same has been expired today, as the matter was advanced on today's board and further contends that the learned counsel for the Petitioner has deliberately avoided to attend the hearing of the case, through video conferencing, as he is aware of the fact that meeting of the Executive Committee is scheduled on 23.07.2020.

Matter was advanced on today's board at the instance of the learned counsel for the Respondent Nos. 1 to 3 and not at the instance of the Petitioners. Originally the matter was adjourn to 12.08.2020, for appearance of the parties and in the meantime the Respondent Nos. 1 to 3 have set in their appearance.

AS per the decision of the Hon'ble Apex Court in the case of Ashok Kumar and others V/s State of Haryana and others, reported in AIR 2007 SC 1411, wherein it is observed in para No.18 as under:

“18. There is no warrant for the proposition, as was stated by the High Court that unless an order of stay passed once even for the limited period is vacated by an express order or otherwise: the same would continue to operate.”

Applying the above principles to the instant case at hand, it can be said that the interim orders passed by this Court on 13.07.2020, will be in operation unless it is vacated. So, I do not find any force in the submission of the learned counsel for the Respondent Nos. 1 to 3 to contend that the said interim orders passed on 13.07.2020, gets expired today.

Above observation is made to avoid complications in the matter

To hear on I.A. No.1.

Call on 23.07.2020, at 11.00 a.m.

Registry is directed to intimate the same to both the counsels through

E-mail.

I/c. 57Th A.C.C. & S.J.,
B'luru (CCH-58).