

TNKK040000382022



Presented on : 15-02-2022
Registered on : 24-02-2022
Decided on : 26-03-2026
Duration : 4 years, 1 months, 11 days

IN THE COURT OF THE II ADDITIONAL DISTRICT MUNSIF,
NAGERCOIL.

Present : Selvi. V. Sivaranjani, B.A., L.L.B.,
II Additional District Munsif, Nagercoil
Thursday, on the 26th day of March, 2026.

O.S.No.28 of 2022

CNR No.TNKK04-000038-2022

Selvin ... Plaintiff

-vs-

1. C.S.I. Church Manavilai, rep by
Mahesh, Secretary,
Manavilai C.S.I. Church, Manavilai,
Vazhukkamparai.
2. Church Pastor,
Mylaudy, C.S.I. Church ... Defendants

This suit is coming on 27.02.2026 before me for final hearing, in the presence of Mr. A.T. Anantha Narayanan, Advocate for the plaintiff and Mr. J.J. Chandra Mohan, Advocate for the defendants and upon hearing the both side arguments and perusing the material records and having stood over for consideration till this day, this Court hereby delivers the following:

J U D G M E N T

This suit is filed by the plaintiff seeking a decree of Mandatory injunction directing the defendants C.S.I Manavilai Church to receive monthly contributions from the plaintiff and forward them to the YMM Missionary through the Church and for the cost of the suit.

2. The case of the Plaintiff in nutshell-

The plaintiff avers that he is a social Worker, a person of good reputation in society and actively involved in various social responsibilities. The plaintiff further stated that he has been a " Floating Member" for more than 40 years in the Manavilai C.S.I Church, located at Vazhukkamparai, Iraviputhur Village, Agastheeswaram Taluk, Kanyakumari district.

3. The plaintiff further submits that he has participated in all church events and developments and has been regularly paying all types of offerings, including membership subscription, monthly missionary offering, thanks giving offering, church day offering, family Sunday offering and church construction offering. Since November 2015, the plaintiff has also been contributing financially to missionary through the church.

4. The plaintiff also submits that he formally applied in the year 2015 to sponsor one missionary under the YMM Missionary Mission with a desire to support missionary work through the Manavilai C.S.I Church. The church

committee approved his request. Accordingly on 08.11.2015, during a family worship event, the plaintiff began contributing Rs.3,000/- per month to support a missionary named Patal Murmu through the church. The church received this amount and forwarded it to the YMM Missionary by maintaining proper accounts. At that time, the 1st defendant was serving as the Treasurer.

5. The plaintiff also asserts that he has also been regularly paying other offerings without fail and the same was accepted by the church without objection and maintained accounts accordingly. This can be verified from the church records. The plaintiff has earned goodwill and respect among church members and the public.

6. The Plaintiff alleged that until January 2021, the church received the contribution and forwarded to missionary contributions. The 1st defendant became secretary on 24.01.2021. After assuming office, with malicious intent to damage the plaintiff reputation, the defendant began refusing to accept the plaintiff contributions from 07.02.2021 onward. Even the cheque given for Rs.3,000/- dated 07.02.2021 from SBI, Mylaudy was neither deposited nor forwarded to the Missionary. The defendant continues to refuse receiving such payments, causing humiliation, mental distress, and loss of reputation to the plaintiff. Despite the plaintiff submitting a petition to the 2nd defendant and a complaint were also made to the Police and the Bishop, no effective was taken.

7. The plaintiff stated that the legal notice was sent on 23.07.2021 for which the 1st defendant sent a reply notice not denying that the plaintiff was a "Floating Member" and admitting that such payments were being made earlier through church to YMM Missionary. However, they refuse to continue receiving and forwarding the funds through the church. The plaintiff's further contention is that since no amicable resolution was reached, this suit is necessitated.

8. **The case of the defendants, as set out in the written statement in brief:-**

The defendants denied that the plaintiff is a member of the 1st defendant church and claimed that there is no such category as " Floating Member" in C.S.I churches. The defendant further stated that the plaintiff has never been a member of the C.S.I Manavilai church and has no connection with it. The defendants assert that the plaintiff belongs to another church called Ananthanadar Kudiyiruppu C.S.I Church located about 30 km away and the plaintiff occasionally attends services in Manavilai C.S.I Church, but has no rights in administration or relief claims.

9. The defendants further contention is that the plaintiff has not made any offerings to the Manavilai Church. Paying offering does not make one member of the church and any claims of contributions he made were to his own

Ananthanadar Kudiyiruppu C.S.I church. Further, the claim that the church agreed to channel funds to a missionary is false. There is no such practice. Individuals must directly send money to missionaries.

10. The defendant further contended that the plaintiff's relative Rajadurai, then secretary personally forwarded funds, which was his private act, not an official church procedure. After their family dispute, Raja Durai stopped receiving money and the plaintiff began sending directly. After that, the plaintiff created a dispute with the church staff, insisting that the church administration of C.S.I Manavilai church should receive money from him. Since the plaintiff first, no connection whatsoever with the 1st defendant's Church, his request was not accepted. The then church secretary, Rajadurai was advised to file a police complaint regarding the disturbance caused by the plaintiff. However, since the plaintiff is his nephew, he did not lodge any complaint against him.

11. The defendants further claims that even from the members of the Manavilai Church, the church administration does not directly collect money for sending to missionaries. Each individual must personally remit the amount they wish to contribute directly into the missionaries bank account through proper banking procedures. The church has no responsibility in collecting or forwarding funds to missionaries.

12. The defendants assert that the church has not received any offerings from the plaintiff. It is alleged that although the plaintiff is not a member of the 1st defendant Church, he is a person who habitually creates disturbances during the church elections. Therefore, he has no good reputation among the General public. Also during the church administrative elections held on 24.01.2021. The plaintiff and the Rajadurai reconciled, came along with several rowdy and created a disturbance in the presence of the District Minister, Mylaudy. The entire incident was recorded on Camera and the First Information Report was registered against him.

13. The defendants further made an allegation that the plaintiff is known for causing disturbances during church elections. The First Information Report was registered at Suchindram Police Station as Crime number 31/2021 under IPC section 147, 294(b), 323, 506(1), wherein the plaintiff is the seventh accused and the plaintiff father is the eighth accused and the investigation is still pending.

14. The defendants further contended that the plaintiff Uncle Rajadurai and his group lost in the election of the church. Hence, at his instigation, the plaintiff has filed this false case. Further, the plaintiff has divorced his wife and is living separately. As per the rules of the C.S.I Church, persons who are

divorced are not eligible to contest in church elections. Such persons do not enjoy any good reputation among the members of the C.S.I Church.

15. The defendants claims that the church has no responsibility to collect and forward missionary funds. The bishop, on 25.03.2021 ordered that the plaintiff must send money directly to the missionary and the said order binds all. Hence, the plaintiff claims regarding complaints and notices are false. The bishop reiterated on 27.06.2022, that payments must be made directly. Further, the plaintiff has no proof of being a floating member.

16. Therefore, the suit is defective for not including the C.S.I Kanyakumari diocese and is filed with malicious intention to harass the defendant since the church is not a post office or bank. The plaintiff failed to comply with Order 1 Rule 8 CPC, hence, the plaintiff is not entitled to any other relief. Further, the plaintiff is liable to pay Rs.3,000/- compensatory costs under Section 35 C.P.C. The said suit is filed by the plaintiff to escape criminal liability and interfere with church administration, instigated by his relative Rajadurai. The pastor is the proper authority and should have been made as a party. Hence the suit is to be dismissed.

17. On the basis of the averments of the Plaint and Written statement, and upon hearing both sides, this court framed the following issues:-

1. Whether the suit is bad for non-joinder of necessary parties?
2. Whether the Plaintiff is entitled for filing the above suit against the Respondent's individually, by not filing under Order 1 Rule 8 CPC?
3. Whether the Plaintiff is entitled for Mandatory injunction as prayed for?
4. To what other reliefs the parties are entitled to? What order as to cost?

By invoking Order XIV Rule 5, this court for convenience and effective adjudication altered Issue No.2 as follows:

2. Whether the plaintiff is entitled to maintain the suit in an individual capacity without invoking Order 1 Rule 8 CPC?

SETTLED ISSUES:-

1. Whether the suit is bad for non-joinder of necessary parties?
2. Whether the plaintiff is entitled to maintain the suit in an individual capacity without invoking Order 1 Rule 8 CPC?
3. Whether the Plaintiff is entitled for Mandatory injunction as prayed for?
4. To what other reliefs the parties are entitled to? What order as to cost?

18. On the side of the Plaintiff, Plaintiff was examined as PW1 and through him Ext. A1 and A5 were marked and Ext.A6 to A8 were marked during the cross-examination of DW1 and Thiru. Rajadurai was examined as PW2. On the side of the defendants, 1st Defendant was examined as DW1 through him Ext. B1 and B2 were marked.

19. **Answer to Issue No.1:**

19.1. The defendant's contention about non-joinder of necessary parties is that the plaintiff filed the suit without impleading C.S.I Kanyakumari Diocese as a party. Hence claiming that the suit is bad for non-joinder of necessary parties.

19.2. A necessary party is the one without whom no adjudication can be made effectively whereas a proper party is the one whose presence is not essential for making an effective order.

19.3. A Diocese is generally considered as a necessary party in a church suit when the dispute involves the ownership, title or management of Church properties or when the relief claimed directly affects the diocesan authority.

19.4. In the present case, the suit has been filed for the relief of a mandatory injunction, directing the 1st defendant Manavilai C.S.I Church to receive monthly contributions from the plaintiff and forward them to the YMM Missionary Mission through the Church.

19.5. Considering the suit prayer, this court is of the considered view that the real controversy between the parties does not affect the title, ownership, or management of the diocesan. In addition to that, the relief sought against the 1st defendant church is purely personal in nature and does not represent or bind a class of persons or members of the church. Hence, it can be effectively adjudicated even without making the diocese arrayed as party. As such, this court considers the C.S.I Kanyakumari Diocese as only a proper party but not as a necessary party. Hence, accordingly, this court concluded that the suit is not bad for non-joinder of necessary parties.

Accordingly, Issue No.1 is answered in favour of the plaintiff.

20. Answer to Issue No.2

20.1. The defendant's other prime contention is that the plaintiff failed to file the suit in a representative capacity by complying with Order 1 Rule 8 and hence the suit is liable to be dismissed. That being a plea, it is pertinent to note the nature of the suit and how the final adjudication of the suit will bind parties and non-parties. As such the suit is filed for mandatory injunction directing the C.S.I Manavilai Church to receive the monthly contribution from the plaintiff forward to the YMM Missionary. Considering the prayer, the court is of the view that the relief sought is only with respect to the plaintiff, not for the whole members of the church or a group of members from the church. Hence, the

plaintiff rightly filed this suit in individual capacity.

Accordingly, Issue No.2 is answered in favour of the plaintiff.

21. Answer to Issue No.3

21.1. In order to establish plaintiff's case, plaintiff himself has been examined as PW1 and through him, Ex.A1, Complaint given by the plaintiff before Suchindram Police Station on 10.02.2021, its receipt and a letter regarding the further action taken upon the complaint through the right to information Act; Ex.A2 is the complaint letter given to the 2nd defendant the Church Pastor, C.S.I Mylaudy Church regarding the refusal of receiving contribution amount by the church; Ex.A3 is the legal notice sent by the plaintiff to the defendants along with postal receipt; Ex.A4 is the reply notice given by the 1st defendant dated 05 08.2021 to the plaintiff.

21.2. Ex.A1 clearly disclose that the complaint has been closed by stating that the complaint was given only out of the previous enmity arose at the time of election in the church between the parties;

21.3. Ex.A4 proves that the 1st defendant clearly replied to the allegation of the plaintiff by stating that the plaintiff himself considers him as a " Floating Member" of the church, and he has no connection with the said C.S.I Church. Only by using the relationship of his maternal Uncle who was the then Secretary of the C.S.I church, the plaintiff came to the church to attend prayers

and on 25.03.2021, the Bishop of CSA Kanyakumari Diocese sent a reply to the plaintiff to remit the missionary support directly to the YMM either in cash or in cheque.

21.4. The above documents do not establish that the CSI Manavilai Church recognises any category of “Floating Member”, the plaintiff was such a " Floating Member" in the church for about 40 years or the C.S.I Manavilai Church had an established practice of receiving and transmitting Missionary contributions on behalf of individuals. Therefore, no legally enforceable right has been established.

21.5. On the side of the defendant, the 1st defendant has been examined as DW1 through him Ex. B1 and B2 marked. Ex.B1 is the Constitution and Rules book of C,S,I Kanyakumari Diocese. On perusal of Ex.B1, it could be seen that there exists no such " Floating Member"concept as per the constitution of C,S,I Kanyakumari Diocese. In addition to that, Ex.B2 is the letter given by the bishop to the plaintiff stating that the amount for missionary support to be directly sent either in cash or by cheque to YMM Missionary.

21.6. Above all, it is pertinent to note that the PW1 in his cross- examination has categorically admitted that he is a member of Asaripallam Anantha Nadar C.S.I Church and has not resigned from the church. There is no such posting called " Floating Member" as per the bylaws of the

C.S.I, Kanyakumari Diocese. There is no connection between a missionary and C.S.I Church. further admitted that he is still paying the contribution to the YMM Missionary directly through money order and it has been received by the YMM Missionary without refusing. Also admitted that he has been paying contributions through the church while his maternal Uncle Rajadurai was a Secretary and admitted that the bishop has ordered on 25.03.2021 the plaintiff to pay the contribution directly to YMM Missionary and the same fact has been suppressed by the plaintiff in his pleadings.

21.7. Extract of PW 1 as follows :

“நான் ஆசாரிபள்ளம் அனந்தநாடார் சிஎஸ்ஐ சர்ச்சில் உறுப்பினர் என்றால் சரிதான். எனக்கு பேராயர் தேர்தலில் ஓட்டு போடும் உரிமை அனந்தநாடார் சிஎஸ்ஐ சர்ச்சில் தான் உண்டு என்றால் சரிதான். எனது மனைவி குழந்தைகள் ஆசாரிபள்ளம் அனந்தநாடார் சிஎஸ்ஐ சர்ச்சில் உறுப்பினர் என்றால் சரிதான். எனது குழந்தைகளுக்கு திருமணம் முதலிய சடங்குகள் செய்ய வேண்டும் என்றால் ஆசாரிபள்ளம் அனந்தநாடார் சிஎஸ்ஐ சர்ச்சில் தான் அனுமதி கடிதம் வாங்க வேண்டும் என்றால் சரிதான். ஆசாரிபள்ளம் அனந்தநாடார் சிஎஸ்ஐ சர்ச் மணவிளை சிஎஸ்ஐ சர்ச்சில் இருந்து 22 கி.மீ தூரம் என்றால் சரிதான். ஆசாரிபள்ளம் அனந்தநாடார் சிஎஸ்ஐ சர்ச் உறுப்பினர் பதவியை ராஜினாமா செய்ய இதுவரை கடிதம் கொடுக்க

வில்லை என்றால் சரிதான். வேறு ஒரு சர்ச்சில் உறுப்பினராக சேரவேண்டும் என்றால் முன்னால் இருந்த சர்ச் உறுப்பினர் பதவியை ராஜினாமா செய்து விட்டு தான் சேர வேண்டும் என்றால் சரிதான்: சிஎஸ்ஐ நிர்வாகத்திற்கென சட்டவிதிகள் உண்டு என்றால் சரிதான். மணவிளை சிஎஸ்ஐ சர்ச்சில் பிளோட்டிங் உறுப்பினர் என்ன என்றால் நான் சர்ச்சில் காணிக்கை கொடுப்பது போன்ற ஈடுபாடுடைய நபராக இருப்பேன் அதனால் பிளோட்டிங் உறுப்பினர். சிஎஸ்ஐ நிர்வாகத்திற்கென சட்டவிதிகள் படி பிளோட்டிங் உறுப்பினர் என்ற பதவி கிடையாது என்றால் சரிதான்."

"YMM மிஷினரிக்கு காணிக்கை செலுத்தினேனா என்றால் கொடுத்துக் கொண்டு தான் இருக்கிறேன். எந்த வகையில் YMM மிஷினரிக்கு காணிக்கை செலுத்தினேன் என்றால் மணியார்டர் மூலமாக நேரடியாக. YMM மிஷினரிக்கு காணிக்கை செலுத்துவதை தடைசெய்யவில்லை வாங்கி வருகிறார்கள் என்றால் சரிதான். மிஷினரிகளுக்கு காணிக்கை வழங்க வேண்டும் என்றால் நேரடியாக செலுத்த வேண்டும். வேறு அமைப்புகளுக்கு கொடுத்து மிஷினரிக்கு செலுத்துவது சட்டப்படி சரியானது கிடையாது என்றால் ஐந்து வருடமாக சர்ச் மூலமாக தான் கொடுத்து வருகிறேன் சட்டப்படி தவறு என எனக்கு தெரியாது. ராஜதுரை என்பவர் செயலாளராக இருந்த போது மணவிளை சர்ச் மூலமாக YMM மிஷினரிக்கு காணிக்கை

செலுத்தினேன் என்றால் சரிதான். மேற்படி ராஜதுரை எனது அம்மாவின் தம்பி என்றால் சரிதான்".

21.8. Conclusively, in order to get a relief of mandatory injunction, directing the defendant church to receive contributions and forward to missionary, the plaintiff must establish enforceable legal right in favour of the plaintiff, corresponding duty on the part of the defendants and there is breach of such obligation. In the present case, the plaintiff has failed to establish any legally enforceable right to compel the church to receive or transmit his contributions. In addition to that, under section 58 of the Indian Evidence Act, an admitted fact need not to be proved. It is a settled principle of law that admission constitute the best piece of evidence. As such, the evidence on record particularly the above admission of PW1 clearly shows that the plaintiff is a member of another church and has not resigned from the same, there is no such recognized category of " Floating Member" under the C.S.I Diocesan rules and contributions to the missionary can be made directly and are being accepted. Further, Ex.B2 proves that the bishop has directed the plaintiff by stating that such contributions be made directly to the missionary. The earlier practice of paying contributions through the church appears to have been purely informal and facilitated due to personal relations between the plaintiff and his maternal uncle and does not create any legally enforceable obligation on the part of the

church. In the light of above findings and discussions, since the plaintiff has failed to establish any enforceable legal right or corresponding obligation on the part of the defendants so as to warrant the grant of a mandatory injunction, this court holds that the plaintiff is not entitled for relief as prayed for.

Accordingly, Issue No.3 is not answered in favour of the plaintiff.

22. Answer to Issue No.4

In view of the above answered issues and upon the facts and circumstances of the case, this court holds that both the parties are not entitled to any other reliefs.

In the result, the suit is dismissed. No cost.

The Judgment is directly dictated to steno-typist typed in computer, and after making necessary corrections, and pronounced by me in the open court, this the 26th day of March 2026.

II Additional District Munsif,

Nagercoil.

Plaintiff's side witnesses :-

PW1. Thiru. Selvin (Plaintiff)

PW2. Thiru. Rajadurai

Plaintiff's side Documents :-

Ex.A1	10.02.2021	Complaint given by the plaintiff before Suchindram Police Station along with receipt
Ex.A2	...	Copy of complaint letter given to the 2 nd defendant the Church Pastor, C.S.I Mylaudy Church
Ex.A3	23.07.2021. ..	Legal notice sent by the plaintiff to the defendants along with postal receipt
Ex.A4	05,08,2021	Reply notice sent by the 1 st defendant to the plaintiff
Ex.A5	...	Aadhar card of the Plaintiff
Ex.A6	...	Offering Cover for Sangam
Ex.A7	...	Gospel Mission Offering Cover
Ex.A8	13.02.2021	Complaint given by the 1 st defendant before Suchindram Police Station

Defendants side witnesses:-

DW1. Thiru. Mahesh (1st Defendant)

Defendants side document:-

Ex.B1	...	Constitution and Rules book of C.S.I Kanyakumari Diocese.
Ex.B2	25,03.2021	Letter given by the Bishop to the plaintiff

II Additional District Munsif,

Nagercoil.

II ADM
Draft/Fair Judgment
in O.S.No.28/2022
Dt.26.03.2026