

TNKK040001072022



Presented on : 13-04-2022
Registered on : 13-04-2022
Decided on : 29-04-2026
Duration : 4 years, 0 months, 16 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.
Wednesday, on the 29th day of April, 2026.

**O.S. No. 69 of 2022
CNR No. TNKK04-000107-2022**

Wilson

... Plaintiff

-VS-

1. The Bishop,
The Church of South India,
Kanyakumari Diocese.
2. The Treasurer,
The Church of South India,
Kanyakumari Diocese.
3. The Pastor,
Chirakarai Church, CSI
Chirakkarai
4. J. Victor,
The Treasurer,
Chirakarai Church Building Committee

5. Jabaraj, Accountant,
Chirakarai Church Building Committee
6. Amose, Co convenor,
Chirakarai Church Building Committee
7. Yabeth Raj, Co convenor,
Chirakarai Church Building Committee
8. Ebenezer, Convenor,
Chirakarai Church Building Committee
9. Esai, Co convenor,
Chirakarai Church Building Committee

... Defendants

This suit is coming on 07.04.2026 before me for final hearing, in the presence of Mr. A.Jaya Chandra, Advocate for the plaintiff and Mr. J.J. Chandra Mohan, Advocate for the 1st to 3rd defendants and Mr. S. Senthilkumar, Advocate for the 5th defendant and Mr. K. Saravanakumar, Advocate for the 7th defendant, thereafter, since written statement not filed, 5th and 7th defendants, set exparte and 4th, 6th, 8th and 9th defendants, being called absent, set exparte and upon hearing the both side arguments, 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 for Mandatory injunction directing the defendants to produce all the records of the accounts of the Church and Building

Committee Funds of the Chirakarai Church since its formation and inclusive of the details of the donors and amount donated and for Mandatory injunction directing the defendants to audit the accounts of the Church Building Committee and produce it before this court also all the details of donors who had contributed in money, kind and also of materials and for the cost of the suit.

2. **The case of the plaint in nutshell-**

The Plaintiff submits that he is a member of the Chirakarai Church and is a communicant member of the church. He had involved in the administration of the church as a Church Committee, a disciple dedicated to the church and a member of the Building Church Committee. The 1st defendant is the head of the Kanyakumari Diocese administering all the affairs of the Church and he has the superintendence over it. The 2nd defendant is the treasurer of the Kanyakumari Diocese, the 3rd defendant is the Pastor of the Plaintiff's church who is the chairman of the Church Committee and who takes care of the administration of the church. The defendants 4 to 9 are the members of the Building Committee formed by the Church.

3. The plaintiff stated that 13 years back the Chirakarai Church was in a dilapidated condition and so the Povaas the pastor and the church committee members unanimously had decided to renovate the church with due approval of the then Bishop and the Pastor. It was decided to collect funds from the

members of the church, donations from reputed persons, and from the spiritual persons associated with Christianity. Moreover it was decided to form a committee of 21 to collect donations from the members of the church and from that money, in kind and in materials for construction, namely family members were given collection boxes to collect donations in Indian Bank of Edaicode Branch wherein an account was opened in infrastructure. The donations collected were deposited in the name of the Building Development fund. To oversee the accounts three persons were appointed namely Yabeth Raj, J. Victor and E. Selvan.

4. The plaintiff alleges that there is misappropriation of fund by the committee members of the Triennium period and also of the some of the Building Church Committee members of the Chirakarai Church and so there was demand for the transparency for accounts and so all the accounts be audited and be placed before the public i.e the members of the church over the funds collected for the church and for the accounts for the expenditure met out for construction of the church. There were many allegations against the committee that was appointed to oversee the Building Development Fund.

5. The plaintiff further stated that for construction and renovation, donations were collected from church members amounting to Rs.14,00,000/- and was deposited in the recurring deposit account at Indian Bank of Edaicode

Branch the said amount had been withdrawn without the knowledge of the Pastor of the church and the building committee members in the year 2020 was the treasurer one S.Edwin Sam son of Sathyadhas. The said amount was collected through offering. The said misappropriation was informed to the Pastor in the year 2020 but till date no action was taken against them. The Church Committee also organized Chit Fund and through it Rs. 86,00,000/- was collected and it was duly informed by the pastor in the year 2019 at the Sunday meeting. Till date no auditing was made over it and the expenditure that had been incurred and done through that fund.

6. The plaintiff further submits that the old church was demolished and the antiques of the church were auctioned and through that proceedings Rs. 1,30,000/ was collected and it has not been accounted in the church records. Moreover to enhance the collection of donations, in the year 2018 Golden Jubilee was celebrated in the church 3 times and huge donations were collected in money, in kind, in gold and by construction materials. It was unknown what was done with that collections and till date no particulars and records were submitted or audited. The members of the church are kept in dark till date of the expenses made and the balance of all the donations.

7. The plaintiff alleged that there was a soil reef in the place of old church and that was auctioned at the rate of Rs.2,500/- per load and out of it

Rs.65,00,000/- was collected and the said amount has been misappropriated. The amount of it has not been accounted properly and produced before any committee meeting and the where about of the fund is in question,

8. The plaintiff further alleged that as a member of the church and as the former church committee member had raised this issue at many times before the building committee and notices were issued but so far no details of the accounts been submitted audited. The plaintiff had made many representations orally and in writing on 19.06.2021 to the previous committee members appointed for Building Development Fund S. Yebath Raj, J. Victor, E. Selvan and E. Ebenezer the convenor, Treasurer Accountant but they have not given any reply to the plaintiff's letter and they are silent till date by not submitting the accounts or auditing it raising eye brows over their credibility and reliability. The plaintiff had also issued legal notice to the Bishop 1st defendant on 08.10.2021 but so far he is silent of the plaintiff's notice had not reciprocated by reply and had not taken any steps to come clean of the subject.

9. The plaintiff also stated that there are more than 296 members in the church who had strong footprints to the faith over the lord and in the name of lord each church committee has been elated and they are answerable to lord almighty and the member of the church. The plaintiff submits that Sunday School, Christian endeavor and Women fellowship members have also

contributed to it and full heatedly had worked along in collecting donations. Many respected people have donated for the construction of the church and each of the members of the church are answerable to lord mighty. Every donors were issued with receipts to acknowledge their donation to the church and so all the receipt books are also in the hands of the Building Church Committee.

10. The plaintiff also contended that the members of the church had repeatedly requested the building committee to furnish all the details of the donations received, the expense met with in the construction of the church, particulars of donors of the church but the church committee and the church building committee of the Chirakkarai church had not heeded to their request and so on 05.09.2021 the resolution was passed to Audit the accounts of the church till march 2021. It was decided for auditing of the accounts through diocese auditor but till date no auditing of accounts had taken place and the church and the committee member were silent to the request of the devotees of the church.

11. The plaintiff submits that thereafter he had issued notice to the defendants on 09.02.2022 to audit all the accounts of the building committee funded with donations with various sections of the society and the defendant had duly received the notice but so far no reply has been given and no substantial auditing of accounts has taken place and had not furnished all the details of the

donation received and the expenses church were disappointed over the met out for the renovation and construction of the church. The plaintiff and the members of the insincere attitude of the building church committee they were deaf and blind towards the devotees earnest request for making public all committee. The defendants 1, 2, and 3 were also issued with notice the income and the expenses met out by the church building even they have not responded to the concerns of the plaintiff and the members of the church. The members of the Chirakkarai church building committee are highly influential people and no reply of the defendant 1, 2, 3 raises eyebrow over their silence and they are in collusion with the church building committee members. The plaintiff herein is one among the 21 members of the chirakkarai church building committee and he had been vociferous over the non auditing of accounts and also for non production of all the sources of income and also of non disclosing the expenses met out from the donations for renovation and construction of the church. In the mean time the church building committee had made preparations for restarting the construction work with last available funds as on 05.09.2021 where there was funds of Rs. 4,01,279.60/-.

12. The plaintiff claims that for the welfare of the church in paramount consideration of no further misdeeds in the funds of the church building committee had issued a notice on 11.03.2022 to the pastor of the chirakkarai

church, the Treasurer Kanyakumari diocese and Amose the Co-convenor of the Chirakkarai building church committee the defendants 2, 3, and 6, respectively to immediately stop all the preparation undertaken by them until the previous accounts of the donations and expenses are audited and made public of all the details. The plaintiff submits that for more than 13 years no auditing of accounts been submitted before the church members and even the resolution passed on 05.09.2021 has not been complied with and till date the building committee has not disclosed any information regarding the auditing of accounts and the total funds available in the accounts of the church and the building committee. The plaintiff has issued letter of complaint to the members of the Chirakkarai Church Building Committee on 19.06.2021 and thereafter on 09.02.2022 to the Bishop, of Kanyakumari Diocese, to the Treasurer Kanyakumari Diocese, to the Pastor of the Chirakkarai Church, to the Members of the Church Building Committee namely Jebaraj, E.Ebenezar (Convenor), Amose (Co-convenor), Esai (Co-convenor), and to J.Victor (the Treasurer) and S. Yabeth Raj (Co-convenor). The notice was received by all of them except Amose the Co-convenor of the Chirakkarai Church Building Committee the notice were duly received by the respective parties and the Acknowledgment of it has been received by the plaintiff. Even after the legal notice issued on the defendants they have failed to give any reply to the plaintiff and till date had not audited the account further

had not disclosed the funds spent and the funds in possession the plaintiff and the members of the church being building committee fund the plaintiff and the members are concerned annoyed by the church building committee's no disclosure of the of it and had been demanding orally and in writing to audit and disclose the funds of the church building committee. The defendants in the mean time began to resume the construction work in the church even though the members of the of the building committee and also of non disclosure of the amounts church had expressed their reservations in the improper functioning collected as fund for renovation and construction of the church. The plaintiff being one of the member of the church building committee had expressed his opposition in resuming the construction of the church and so he again issued a legal notice on 11.03.2022 to the pastor of the Chirakkarai Church the Treasurer of the Kanyakumari Diocese and to Amose the Co-convenor of the Cirakkarai Church Building Committee the defendants 2, 3 and 6.

13. The church is been constructed for more than 13 years receiving funds from the various members of the church amounting to crores and till date the Building Church Committee had not made public of the collection of the funds as charity for the renovation and construction of the church. The defendants are duty bound to audit the accounts and furnish all the records of charity that they had received for the church and also to disclose the expenses

met out in the construction of the church. The plaintiff states that even after a legal notice was issued till date even after due resolution passed on 05.09.2021 by the church committee members to audit all accounts of the Church Building Committee the defendants and their men had failed to comply with the resolution passed by the members of the church instead they are making preparations for the construction of the church much to the prejudice of the members of the church so therefore a mandatory injunction is to be passed directing the defendants to disclose the funds collected in the name of the church, funds used for renovation and construction and also to disclose all the subscribers of donation made to the church. The defendants are acting in prejudice to the interest and welfare of the church and now to suppress all the material facts of collection of donation is trying to resume construction work. The plaintiff and the members of the church had made opposition to the building church committee irresponsible attitude towards the wishes of the people. The plaintiff had too issued a legal notice through his counsel not to resume the construction of the church to the 2nd, 3rd and 6th defendant. The plaintiff filed this suit for his half and on behalf of the other members of the church in a representative capacity.

14. The plaintiff further alleged that there are numerous members like the plaintiff who are having similar rights and grievances for being adjudicated

and so for protecting the rights and the interest and welfare of the church the suit has to be tried under Order I Rule 8 of CPC to urge before this court may opt for impleading them. Hence this suit is necessitated.

15. The case of the written statement of 1st defendant adopted by the 2nd and 3rd defendants averments in brief:-

The 1st to 3rd defendants avers that the plaintiff is an ordinary member of the Chirakarai Church and unaware of the posts held by the plaintiff at Chirakarai Church. The defendants stated that for the renovation work of the church, the church members and several persons were contributed without any compulsion. No committees were formed for the building construction. The elected members of the church looked after the church work in a proper manner. Except the plaintiff, the other members of the Chirakarai church never questioned the account of the church. There was no misappropriation of any funds in Chirakarai church as alleged. All the accounts are maintained in a transparent manner. No allegations were made against the accounts of the church. The plaintiff is a trouble maker in the said church. Only to make some trouble in the administration of the church, the plaintiff filed this suit as such he is the custodian of the church.

16. The 1st to 3rd defendants further denied that Rs.14,00,000/- was withdrawn by one S. Edwin Sam without the knowledge of the pastor,

Rs.86,00,000/- was collected through Chit Fund and huge donations were collected to the Golden Jubilee and insisted that it is absolutely not possible for any church to collect Rs.86 Lakhs through Chit Fund. The plaintiff invented this story to suit his illegal claim. The audit of any accounts in the C.S.I. Churches are not mandatory. Before the election of the church, office bearers in each triennium will peruse the accounts and the general body will approve the accounts then only, permission to conduct the election will be given to the church. In all the church elections held in the Chirakasrai Church all accounts were duly approved by the General Body. Once the General Body approves the funds and accounts as per the norms of C.S.I, it is final and nobody can raise any objection. Since the churches are doing missionary work the general body of the church members always very carefully verify the accounts and gives their concern for approval in the general body. It is denied that Rs.65,00,000/- lakhs was collected through the auction of a soil reef. Such a thing never happened.

17. The 1st to 3rd defendants further alleged that the plaintiff also participated in the general body meeting of the church and he had not raised any objection at the time of passing resolution to accept the accounts. Since the plaintiff's supporter lost the election, only to take some vengeance, the plaintiff filed this suit. The church accounts were not audited by any agency at any stage. As per the norms and custom of the C.S.I., the church accounts need not be

audited by anybody. Since the church funds are utilised for religious and charitable purposes, the church accounts need not be audited like other accounts. No interim audit was conducted in the Chirakarai Church funds at any point of time. Therefore, no audit reports are available with the 1st defendant and other defendants. The plaintiff has no cause of action to file this suit. The suit is bad for non joinder of necessary parties. Plaintiff's civil rights were never affected therefore he has no right to seek any relief. The prayers asked in the plaint are very vague and cannot be granted. Since the notice issued by the plaintiffs' are very vague these defendants did not respond to it. Plaintiff has not followed the correct procedure contemplated under Order 1 Rule 8 of CPC. This court has no pecuniary jurisdiction to entertain the case. The plaintiff suppressed the previous suit filed against the defendant as O.S.No.182 of 2021 before the Additional District Munsif Court, Nagercoil. Therefore the suit is hit by Order II Rule 2 C.P.C. The documents stated in the 'A' and 'B' relief of the suit are not available with the 1st, 2nd and 3rd defendants. The documents filed by the plaintiff are not relevant to decide the case. The suit is not maintainable in law and on facts. Hence, this court to accept this written statement and dismiss the suit with costs.

18. 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 plaintiff is entitled to the relief of Mandatory injunction directing defendants to produce all documents of donors and its accounts since the institution of church as plaintiff prayed for?
2. Whether the Plaintiff is entitled to relief of Mandatory injunction directing defendants to audit Account of church as plaintiff prayed for?
3. To what other reliefs, the plaintiff is entitled to?

By invoking Order XIV Rule 1, for the better adjudication, issues are re-framed and rearranged as follows:-

1. Whether the reliefs claimed by the plaintiffs falls within the court of Section 92 CPC?
2. Whether the plaintiff is entitled to the relief of Mandatory injunction directing defendants to produce all documents of donors and its accounts since the institution of church as plaintiff prayed for?
3. Whether the Plaintiff is entitled to relief of Mandatory injunction directing defendants to audit Account of church as plaintiff prayed for?
4. To what other reliefs, the plaintiff is entitled to?

19. On the side of the Plaintiff, Plaintiff was examined as PW1 and through her Ext. A1 and A19 were marked. On the side of the defendants, Thiru. Jose Robi Wilson was examined as DW1 and no documents were marked through him.

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

20.1. The case of the plaintiff is that he is a communicant member of the Chirakarai Church and has actively participated in its administration, including as a member of the Church Committee and Building Committee. The defendants are the Bishop and officials of the Kanyakumari Diocese, the Pastor, and members of the Church Building Committee who are responsible for managing the affairs and funds of the church.

20.2. The plaintiff states that about 13 years ago, the church, being in a dilapidated condition, was taken up for renovation with proper approval, and funds were collected from members, donors, and devotees. Committees were formed and bank accounts were opened to manage these funds. However the plaintiff alleges that large sums collected through donations, chit funds, auctions and sale of materials have been misappropriated or not properly accounted for by the concerned committee members.

20.3. Despite repeated requests, representations and legal notices issued by the plaintiff seeking transparency, auditing of accounts, and disclosure of income and expenditure, the defendants have failed to respond or take any action. Even a resolution passed by the church members to audit the accounts has not been complied with. The plaintiff contends that the continued failure to maintain transparency raises serious doubts about the conduct of the defendants.

20.4. Therefore, the plaintiff seeks a Mandatory injunction directing the defendants to produce all the records of the accounts of the Church and Building Committee Funds of the Chirakarai Church since its formation and inclusive of the details of the donors and amount donated and for Mandatory injunction directing the defendants to audit the accounts of the Church Building Committee and produce it before this court also all the details of donors who had contributed in money, kind and also of materials. The suit is filed in a representative capacity on behalf of other church members who share similar grievances.

20.5. It is clear that the above stated funds were collected from numerous members of the public and devotee for the renovation and construction of a church, which is a religious institution serving a section of the public. Therefore, this court is of the view that the above said allegedly collected funds for the purpose of renovation and construction of the public religious institution

thereby assume the character of the public religious or charitable trust property. Further, the above allegations regarding misappropriation of funds are not confined to any individual grievance, but extended to serious charges of misappropriation, non-maintenance of accounts and lack of transparency in the administration of these funds by the defendants, who are responsible in management and control of the church affairs. As such, this court observes that the relief sought, that is, a mandatory injunction, directing the defendants to produce all accounts from formation of the building committee, to disclose donor details and to subject the funds to audit under supervision are not merely incidental or personal remedies with respect to any particular individual, but directly relate to the administration and management of public religious trust, which are the reliefs squarely contemplated under Section 92, Code of Civil Procedure, 1908. Further, the plaintiff filed the suit in a representative character under Order I Rule 8 CPC. This shows that numerous church members share a common interest in the subject matter of the suit, thereby reaffirming that the suit is instituted to vindicate a public right in religious trust, rather than an individual civil right. In such circumstances, the statutory mandate of section 92 becomes applicable. Therefore, the suit to be instituted by two or more persons having an interest in the trust, with Prior leave of the court and before a competent court. The present suit having been filed by a single plaintiff without

obtaining prior leave and before Court lacking jurisdiction. Hence, the suit is bad for non-compliance with mandatory statutory requirements and is filed before an incompetent court which lacks jurisdiction. Therefore, is not maintainable in law.

21. **Answer to Issue No.2 and 3:**

Since Issue No 1 is answered against the plaintiff this court is not inclined to adjudicate upon the Issue No 2 and 3.

22. **Answer to Issue No.4:**

Since the suit itself decided as not maintainable before this court, this court is of the view that both parties are entitled to any other relief.

In the result, This 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 29th day of April 2026.

II Additional District Munsif,
Nagercoil.

Plaintiffs side witnesses :-

PW1. Thiru. Wilson (Plaintiff)

Plaintiffs side Documents :-

Ex.A1	19.06.2021	Copy of complaint letter issued by the plaintiff to the 1 st defendant
Ex.A2	21.06.2021	Postal receipt for the complaint letter issued to 1 st defendant by the plaintiff
Ex.A3	08.10.2021	Copy of legal notice issued to the 1 st defendant
Ex.A4	...	Acknowledgment card for the legal notice issued to the 1 st defendant
Ex.A5	09.02.2022	Copy of legal notice issued to the defendants with postal receipts
Ex.A6	11.02.2022	Acknowledgment card for the legal notice issued to the 1 st defendant
Ex.A7	...	Acknowledgment card for the legal notice issued to the 2 nd defendant
Ex.A8	...	Acknowledgment card for the legal notice issued to the 3 rd defendant
Ex.A9	...	Acknowledgment card for the legal notice issued to the 9 th defendant
Ex.A10	...	Acknowledgment card for the legal notice issued to the 6 th defendant
Ex.A11	...	Acknowledgment card for the legal notice issued to the 7 th defendant
Ex.A12	...	Acknowledgment card for the legal notice issued to the 8 th defendant
Ex.A13	15.02.2022	Copy of legal notice issued to 4 th and 7 th defendants along with postal receipts
Ex.A14	23.02.2022	Acknowledgment Card for the legal notice issued to the 4 th defendant
Ex.A15	11.03.2022	Copy of legal notice issued to 2 nd , 3 rd and 6 th defendants
Ex.A16	18.03.2022	Acknowledgment Card for the legal notice issued to the 2 nd defendant
Ex.A17	18.03.2022	Acknowledgment Card for the legal notice issued to the 3 rd defendant
Ex.A18	18.03.2022	Legal notice to the 6 th defendant returned cover
Ex.A19	14.02.2022	Acknowledgment Card for the legal notice issued to the 5 th defendant

Defendants side witnesses:-

DW1. Thiru. Jose Robi Wilson

Defendants side document:-

- Nil -

II Additional District Munsif,
Nagercoil.

II ADM
Draft/Fair Judgment
in O.S.No.69/2022
Dt.29.04.2026