

**IN THE COURT OF THE I ADDITIONAL DISTRICT MUNSIF,
NAGERCOIL.**

Present: Tmt. M.Alima, B.A., L.L.M.,
I Additional District Munsif, Nagercoil.

Friday, on the 15th day of March, 2024.

I.A. No. 4 of 2023 in O.S. No. 46 of 2023

St.Michael Archangal Church,

Mela Asaripallam

Rep by Mr.Justus Rajan, S/o.Soosai Rathnam,

Paris Council, Vice President

... Petitioner /Plaintiff

- Vs -

The Bishop,

R.C.Diocese, Kottar,

Nagercoil.

... Respondents/ 1st Defendant

This petition came before this court on 26.02.2024 for a final hearing in the presence of Mr. S.Pillai Monikandan, Advocate for the Petitioner/Plaintiff and Mr.N.Rethnasamy for the 1st Respondent/1st defendant and upon perusing the case records and having stood over till date for Consideration, this Court delivers the following:

ORDER

The petitioner had filed the above petition under Order 39 Rule 1 and 2 of the CPC, seeking a temporary injunction restraining the Respondent/1st Defendant from interfering with the peaceful administration of the legally elected committee members of the Parish Council over the Plaintiff's church and also restraining the

Respondent/1st defendant from illegally dissolving the Parish Council till the disposal of the suit.

1) Gist of the Averments in the Petitioner's Petition:

The Petitioner/Plaintiff has filed the suit in representative capacity on behalf of their Oor people. The plaintiff church, St.Michael Archangal Church, Mela Asaripallam, is a famous Roman Catholic church established around 300 years ago for the worship of Christian people in Mela Asaripallam Oor, having its own rich tradition and heritage. As a customary right from the date of inception, the local Christian people of Mela Asaripallam Oor have been administering, managing, and maintaining the church. The plaintiff is the Roman Catholic Church, represented by the vice president of the parish council on behalf of the subscribers of the St.Michael Archangal Church, Mela Asaripallam. The election for the Parish Council of the Plaintiff Church was held on 22.08.2022. It is the convention and usage that the vice president of the parish council is the president of the Oor, and he is empowered to look after all the temporal affairs of the church, and he is the custodian of all the properties belonging to the church. The Plaintiff is representing the members of the Oor committee elected for the Administration and Management of the Church and there are numerous members in Mela Asaripallam Oor having the same interest in the subject matter. Hence, the suit is filed in representative capacity under Order 1 Rule 8 of CPC. The St.Michael Aruchangal Church is the English name of புனித மிக் கேல் அதிதூதர் ஆலயம். The said Church was constructed approximately three hundred

years ago by the Oor people at the cost of their own funds. As the days passed, the activities of the Church improved and the existing building of the church was renovated by the efforts of the Oor committee of Mela Asaripallam with the sole contribution of Oor people called (“Varikarars”) subscribers. The prayer hall, community hall, Auditorium, and school building known as St.Judes middle school, Mela Asaripallam were constructed and maintained by Oor funds. The properties owned by the church were purchased under the name of Catholic Nadar Samuthayam represented by the then representatives of the samuthayam. They have been paying land tax, electricity bills, and phone bills to the Government authorities regularly. All the activities in church management are administered and managed by the Oor committee headed by its president until the present Parish Council system is introduced by the R.C.Diocese. After introduction of the Parish Council, the president of the Oor committee will be the Vice President of Parish Council and the Parish Priest will be the president of the council even though he has no voting power and not a member of the Oor. The parish priest deputed by the diocese for rendering spiritual service to the plaintiff church is being honoured to preside over the meeting, though he has no administrative power in the management of the church. The Oor people are empowered to elect a committee for the better administration of the church and its properties. The vice president and other executive members of the parish council are elected among the subscribers of the plaintiff church by democratic manner from time. The election of the present Parish council of the church was held on 22.08.2022. Mr.Justus Rajan is the elected vice President of the Paris Council in the church. The

Parish Council headed by the vice president is in the administration of the church. It is the convention and usage that the vice President of the Paris council is the president of the Oor, and he is empowered to look after all the temporal affairs of the church, and he is the custodian of all the properties of the church. The income derived from the immovable properties of the church, the offerings and donations of worshipers, vest in the hands of the treasurer of the plaintiff church. Though the parish Priest is one among the person to withdraw the amount from the bank along with the Vice president and treasurer, he has no power or authority in the temporal affairs of the church administration. For the past more than 300 years, neither the 1st defendant nor the 2nd defendant or any other priest has exercised any other control or management over the temporal affairs of the church and its properties, etc. The Kottar Roman Catholic Diocese came into existence only on 26th May 1930. The Kottar Diocese was not formed during the time of its inception. The church and its properties belong only to the Oor people, and they are under the control of their management. The spiritual and religious services of the church alone are performed by the priest with the aid and assistance of the parish council, for which he has been regularly paid. The duty of the 2nd defendant is to conduct prayers and perform his duties in spiritual affairs only. The Oor committee has been paying Rs.15,000/- per month with other amenities to the parish priest for his service rendered to the church. The parish priest is normally transferred to another place after the completion of his 3 year service in one church. The plaintiff has been paying Rs.25,000/- (Rs. Twenty Five Thousands only) every year from its annual revenue to the 1st defendant for the

spiritual service they rendered to the plaintiff's church. The defendants accepted the same by giving receipts. The Parish Council is convened once a month, and the accounts of income and expenditure is placed every month before the Parish Council. In such a way, the church is managed by the Oor people in the name of the Parish Council. The kottar diocese or its Bishop, the 1st defendant herein had no role in any kind of activities like purchasing of land for the Church, construction, maintenance, and management of the said church, as the kottar Diocese was not formed during the time of inception of the church. It has been the custom and usage of the mela Asaripallam Oor to elect the representative among their church members for the proper administration of church and it became convention till the 1st defendant introduced the Parish Council system by implicating unilaterally bye-laws of RC Churches. The 1st defendant by adopting the crooked method through the 2nd defendant attempted to bring all the belongings and management of the Plaintiff's church under his control. The 1st defendant took the cannon law as a weapon to execute his attempt to bring the belongings of the church and its management. So far as the administration of the plaintiff's church is concerned, the defendants are incompetent to administer the Plaintiffs church, as the church was not established with the funds and aid of Bishop House. The defendants have no manner of right whatsoever over the plaintiff's church and its administration. There is no written constitution with respect to church administration and its function. The general body of the Oor is the supreme decision making body, it elects the executive members who represent the Oor people. The second defendant, being the person conducting prayer

at the beginning of the meetings, is honored, and he is permitted to put his signature in the minute book as marked of respect. All employees of the church are appointed and managed by the Oor committee. The subscriptions from members, the offerings and donations from devotees to the church, and all income from church properties are collected by the Oor committee. The income and expenditure are duly recorded in the account books maintained by the committee. The Oor people of Mela Asaripallam, through their custom and practice adopted for the past 300 years established that the Oor committee is elected by the general body of the Oor. The 1st defendant with the intention to establish their domination over churches, introduced a new system of Parish council and it became a practice that the elected Oor president of the Oor committee will be the Vice President of the Parish Council and the Parish priest will be treated as the president of the Paris council as a mark of respect, though the Oor people opposed to accepting the parish priest as a president of the parish council. The 1st defendant forcibly imposed the parish council after the year 1990 which is unconstitutional as the parish priest does not have voting power he has no any right in the administration and management of the plaintiff church. It is an undemocratic way of functioning for the person who does not have voting rights in that forum to be president of that forum. The people of Mela Asaripallam have been managing the church and its assets from the day of its inception. This customary right has been accepted by the defendants and their predecessors. Moreover, the canon subject to bishops management in church and properties is not applicable to the plaintiff church, because all of its assets were purchased with the funds of the Oor members and their

ancestors. The plaintiff Oor people and the executive committee elected by the Oor people for a term of 3 years have followed the customs and practices of the Oor, and they have been managing the church in a smooth manner. It is the duty of the defendants to perform all spiritual functions in accordance with the Holy Bible and other literature. The Parish priest and Bishop should not get involved with the day-to-day administration of the church. The 2nd defendant, after assuming office on 20.06.2022, he interfered in all the administrative functions of the church, and also involved in money matters. Although the plaintiff did not accept the restrictions and hurdles put forth by the defendants in the church administration by implementing a new set of rules, they adopted the same with protest. The people from plaintiffs village, in order to avoid confrontation, agreed to the bye-laws unilaterally framed by the RC Diocese and published in the year 2013. The new sets of rules imposed arbitrarily by the 1st defendant reveals about the nomination of the members in the parish council. As per the rules, if the minority sect in the church, ladies and youngsters, were not elected in adequate numbers, to represent, they may be appointed as nominated members of the Parish counsel. This year election was conducted on 28.08.2022. The Oor people elected 8 male representatives and 4 female representatives by voting. 1.Mrs.Shahila, 2.Mrs.Lilly, 3.Mrs.Hepzi, 4.Mrs.Mary Jelastin, 5.Mr.Rajesh, 6.Mr.Naveen, 7.Mr.Babu, 8.Mr.Ravi, 9.Mr.Justus Rajan, 10.Mr.Chellathurai, 11.Mr.John Boseco, 12.Mr.Amalraj, the 8 other representatives were selected among Bhaktha Saba and other tiny groups involved in the regular activities of the church viz.13. Ms.Mariaselvi, 14.Mr.Savarimuthu

15.Mr.Mariasingam, 16.Mr.Jeito, 17.Ms. Mary Roselin, 18.Mrs.Baby Shekila, 19.Mrs.Jesintha 20.Mrs.Shanthi, The 2nd defendant herein nominated 3 members as nominated members, 1.Mrs.Sriyapushpam, 2.Mr.Jeyalas 3.Mr.Iruthayaraj but they are not the categories of Unrepresented minorities, ladies and youngsters. The 2nd defendant in an arbitrary manner, nominated the aforesaid 3 members, which is a violation of the rule framed by the 1st defendant diocese, and their nomination is to be declared void. In the plaintiff's church till this term, no nominated members were appointed. Such practice were not adopted so far in the church. Only this year the nominated members included in the Parish Council even as against the terms mentioned in the bye-laws. On 21.03.2022, morning 10 A.M., the managing committee election for the plaintiff's church took place from 9th Anbiam was elected as Vice President, Mrs.Hepzi from 3rd Anbiam was elected as Secretary, Mr.Chellathurai from 10th Anbiam was elected as Joint Secretary, and Mrs.Mary Rosling from 9th Anbiam was selected Treasurer. That day, the members of the Managing Committee were taught about their functions and responsibilities. On 28.08.2023, after conducting regular rituals and prayers in the church, the Vice President Mr.Justin handed over the charge over the management of the Plaintiff's church to Mr.Justus Rajan, the incumbent vice president, by giving Jewels, documents pertaining to the Plaintiff's Church, and bank pass book keys. The Ex.Secretary Mrs.Charlet handed over notice book, Attendance and key to the parish council room to the incumbent secretary, Mrs.Hepzi and the incumbent vice president, Mr.Chellathurai. The incumbent Treasure of Ms. Mary Roselin received the

day book of the Plaintiff's Church from the 2nd defendant herein . It was constructed as the 1st meeting of the newly elected representatives of the plaintiffs church and as much as 9 resolutions were passed. The year planning of the Plaintiffs church and resolutions with regarding festival common resolutions of the year were reduced to writing on that day. The present Oor committee assumed office on dated 28.08.2022 and as per the unilaterally formed bye-laws the 1st defendant has to ratify the same which is unconstitutional. The 2nd defendant thereafter deliberately dodging to get approval of the newly elected parish council from the 1st defendant which he ought to have gotten within the stipulated time. The 2nd defendant has to take the necessary steps to change the bank account so as to perform transactions for the incumbent managing committee. The development activities and other functions of the committee cannot be performed without the operation of the bank account. The 2nd defendant did not come forward to sign the necessary papers to be submitted before the bank for operating the account by the incumbent managing committee. The defendants never performed their respective functions, as the 2nd defendants developed acrimony with the respective incumbent managing committee without any valid reasons. The acts and deeds of the defendants are against the bye-laws passed by them. The 2nd defendant with the malafide intention to put hurdle on the proper functioning of the plaintiff's church administration and management, did these misdeeds. Further the 2nd defendant adopted the practice of announcing so many things, pertaining to the administration of the church without consulting the managing committee and also without observing the resolutions passed by the

committee on Oor people before the parishioners immediately after the conclusion of the prayer. He has no right to announce matters regarding the administration of the church except spiritual affairs. The plaintiff request to cooperate with the parish council for the smooth functioning of the church administration did not yield a fruitful result. Now the 2nd defendant is trying to put hurdles on the day-to-day administration of the church and attempts to dissolve the Parish Council which was elected by democratic manner and performs their duties piously. On 25.02.2023 the plaintiff met the 1st defendant and requested to absolve the issue amicably, but no fruitful steps were taken by the defendants, and all efforts taken by the plaintiff have gone in vain. Under such circumstances, it is necessary to restrain the defendants from dissolving the parish council and also to remove the hurdles put by them to the proper functioning of the managing committee of the church. Hence, the petitioner prays that the petition is allowed.

2) Gist of the Averments in the Respondent's Counter:

The Respondent / 1st defendant, stated that the injunction petition is not maintainable in law and on facts. The plaintiff has no locus standi to file the civil suit against the first defendant, and the plaint is void in law. This Court does not have jurisdiction over the internal management of church matters, which are specifically excluded under Section 34 of the Specific Relief Act and Section 41(e)(i) of the Specific Relief Act. Moreover, the principal subordinate judge, Nagercoil alone, has jurisdiction over the religious nature of the plaint claim. The plaintiff failed to follow

the mandatory provision of Order 1 Rule 8 of the CPC, and now the present plaint is void in law. On the basis of a void plaint no right is vested with the plaintiff, and there is no civil right against the first defendant. Because of that, the plaint has to be rejected under Order 7 Rule 11 CPC. Moreover, before numbering the suit Plaintiff must obtain sanction under Section 92 CPC from the Principal sub Court, Nagercoil, for the administration of the parish council. Admittedly, no sanction is obtained from the cover of the law under Section 92 of the CPC. Hence, the plaintiff does not have a civil right to file any suit before this court, and hence, the plaintiff has to be rejected. The plaint is not disclosing the cause of action against this defendant. The reading of the plaint paragraphs 1 to 4 and the remaining plaint paragraphs 5 and 6 are opposed to the statement that the plaint is barred by law. In an injunction suit, a mandatory injunction seeking of including 3 nominated committee members is illegal, namely 1.Mrs.Sriyapushpam, 2.Mr.Jeyalas, 3.Mr.Iruthayaraj, Who are not made as parties in the suit which is clearly barred under order 1 Rule 10 CPC. When the suit is barred for non - joinder of necessary parties, the plaintiff suit has to be rejected. The plaint C prayer directing the 1st defendant Bishop of Kottar Diocese to appoint 11th Parrish Council and the plaint E Prayer for a permanent injunction restraining the 1st defendant from illegally dissolving the parish council Under the Indian Constitution and Canon Law, a permanent injunction can be granted in respect of the C and E prayers. The 1st defendant sent a letter NO.Gen.13/2023 dated 16.03.2023 to plaintiff which is as follows: பொருள். - மேல ஆசாரிபள்ளம் பங்கு அருள்பணிப் பேரவையிலிருந்து நீக்குதல் உத்தரவு - பார்வை - 1.No.Gen.10/2023 : 13.03.2023 எனது

கடிதம் - 2.15.03.2023 நாளிட்ட தங்களது கடிதம் - திரு.ஜஸ்டஸ் ராஜன் அவர்களுக்கு " பார்வை 2 கடிதம் கிடைக்கப் பெற்றுள்ளது. கடிதத்தில் தாங்கள் ஆயுருக்கும் பங்குத் தந்தைக்கும் எதிராக வழக்கு தாக்கல் செய்திருப்பதை பங்கு பேரவை விதிமுறை தடைசெய்கின்ற நிலையில் தங்களது விளக்கும் ஏற்புடையதாக இல்லை, எனவே பங்கு மேய்ப்பு பணிப் பேரவை விதிமுறைப்படி (பகுதி XII எண்8 பக்கம் 25) நீங்கள் 17.03.2023, வெள்ளிக்கிழமை காலை 10.00 மணி முதல் பங்கு அருள்பணிப்பேரவை துணைத் தலைவர் பணியிலிருந்தும் உறுப்பினர் நிலையில் இருந்தும் நிரந்தரமாக நீக்கப்படுகிறீர்கள் என்பதைத் தெரிவித்துக்கொள்கிறேன். - இவ்வாணைப் பெற்றவுடன் உங்கள் கைவசம் இருக்கும் பங்கு ஆவணங்கள் அனைத்தையும் மேல் ஆசாரிபள்ளம் பங்கு அருள்பணியாளர் கையில் ஒப்படைத்து ஒப்புகைச்சீட்டு பெற்றிடுமாறு உத்தரவிடுகிறேன். இதனைச் செய்யத் தவறினால் திரு.அவைச் சட்டப்படி மேல் நடவடிக்கை எடுக்கப்படும் என்பதையும் தெரிவித்துக் கொள்கிறேன்.” - The plaintiff is bound by the canon law and bye-laws. The entire plaint is against the spirit of Canon law. As per the provision of Parish Pastoral Council bye-laws (Part XII No.8 page 25) either member of Parish council or office bearer of Parish Council shall not file any suit before the court without the written permission of 1st defendant Bishop. Now the suit as framed is not maintainable in law under Part XII No.8 page 25) including all the members of the church. The present suit is barred by specific relief Act section 34 and section 41 (e) (i) The plaintiff is bound by the bye-laws and cannot file any suit In which plaintiff is not have a civil right. Moreover, the plaintiff is signatory to the bye-laws and other proceedings. Without set aside the bye-laws and other proceedings, the plaintiffs suit is barred under Section 40 of Tamil Nadu Court Fees

Act and the main relief is not sought in the plaint but seeking any negative reliefs which are barred under the CPC and specific Relief Act. As a party of M.S.Mary Rosilin, Plaintiff's Advocate sent a suit notice dated 19.03.2023 for which 1st defendant gave a reply dated 30.03.2023 which is as follows: "Your client No. 2 (Mary Rosilin) should not have given the xerox copy of the cash Voucher without the permission of Parish Priest. So she assisted to your client No.1 Plaintiff to file the suit. So she is removed from the office of treasurer and membership of Parish Council. My client has no authoritarian mind set as alleged in your notice. My client passed order after hearing your clients. The explanation given by your clients are not satisfactory. So my client removed your clients No.1 and 2 from the office of vice president and treasurer respectively. Moreover they have been removed from the membership of Parish Council also. It is informed you that the parish council bye-laws was placed before the Diocesan Pastoral council wherein each parish is having representative and discussed elaborately. Then the same was promulgated by the Bishop by invoking the powers conferred under Canon law. Under Canon Law, the Diocesan Bishop is the competent authority to formulate the bye-laws of Parish Pastoral Council after consulting Diocesan pastoral council, senate and consultors. So the parish pastoral council bye-laws is valid under cannon law and binding on your clients. It is informed you that 24 hours time to your clients due to emergency situation. So there is no error in giving 24 hours time to your clients to offer their explanations. Your Client No.2 gave the Xerox copy of the cash Voucher given by the parish priest to your client No.1 to institute the suit". The Plaintiff has not pleaded the

plaint schedule property but is producing a tax receipt sale deed, which has nothing to do with the St.Michael Archangel Church, which belongs to Kottar Diocese. The averments in paragraph 7 and the rest of the Plaint are false and hereby denied. The Plaintiff has no cause of action against the defendants. The entire prayer is a futile one and not workable. The plaintiff failed to comply with the provisions of Order 1 Rule 8 CPC. Hence, the respondent prays to accept this counter and dismiss the petition.

3) The point for consideration is whether the above petition has to be allowed or not?

4) Point:

5) Both sides heard, perused the records.

6) The original suit has been filed by the plaintiff, seeking to declare that, the elected body of 20 members committee of Parish Council to be the legally constituted body to govern the administration of the plaintiff Church. To declare that the inclusion of nominated committee members namely 1) Mrs. Sriyapushpam 2) Mr.Jeyalas 3) Mr.Iruthayaraj are illegal and against the bye-laws of Parish council. To pass a decree directing the 1st defendant to approve the committee of 11th parish council including the Vice-President, Secretary, Treasurer and other committee members except the 3 nominated members.To pass a decree for permanent injunction restraining the 1st defendant from interfering with the peaceful administration of the legally elected committee members of the Parish Council over the plaintiff's church.

To pass a decree for permanent injunction restraining the 1st defendant from illegally dissolving the parish council. To pass a decree for permanent injunction restraining the 2nd defendant interfering with the peaceful administration of the legally elected committee members of the Parish Council over the plaintiff Church by arbitrarily making announcement pertaining to the administration of the Church without being resolved through resolution either by the managing committee or by the general body.

8) It is an admitted fact that the plaintiff's church St. Michael Archangel Church Mela Asaripallam is a famous Roman Catholic Church. The election of the present Parish council of the church was held on 22.08.2022. The 2nd defendant herein nominated 3 members as nominated members, 1.Mrs.Sriyapushpam, 2.Mr.Jeyalas 3.Mr.Iruthayaraj. Respondent/ 1st defendant on 13.03.2023 sent a letter No.Gen 10/2023 to him asking him to tender an explanation as if, he were violating the rule mentioned in Part XII No. 8 of 2013 by filing a suit in O.S. No. 46/2023 without obtaining prior permission from him. Similarly, the treasurer of the Parish Council was removed from the post for the reason that she issued documents to file the suit by which she extended her support to him vide letter Gen.No.12/2023 dated 15.03.2023. The petitioner sent his explanation on 15.03.2023. On 16.03.2023 the 1st Defendant by his letter No.Gen 13/2023 by rejecting his explanation the petitioner removed from the Vice President post as well as from the membership of the parish council.

7) The trial in the case has not been initiated. It is only after trial that this court can decide the following issues:

- (i) Whether the parish priest deputed by the diocese for rendering spiritual service to the plaintiff church is being honoured to preside over the meeting, though he has no administrative power in the management of the church?
- (ii) Whether the Oor people are empowered to elect a committee for the better administration of the church and its properties?
- (iii) Whether the church and its properties belong only to the Oor people, and they are under the control of their management. The spiritual and religious services of the church alone are performed by the priest with the aid and assistance of the parish council, for which he has been regularly paid?
- (iv) Whether the petitioner Mr. Justus Rajan is the elected vice President of the Parish Council in the church. The Parish Council headed by the vice president is in the administration of the church?
- (v) Whether the income derived from the immovable properties of the church, the offerings and donation of worshipers, vest in the hands of the treasurer of the plaintiff church?
- (vi) Whether the defendants are incompetent to administer the Plaintiffs church, as the church was not established with the funds and aid of Bishop House?
- (vii) Whether the defendants have no manner of right whatsoever over the plaintiff's church and its administration?
- (viii) Whether the canon subject to bishops management in church and properties is not applicable to the plaintiff church, because all of its assets were purchased with the funds of the Oor members and their ancestors?
- (ix) Whether the 2nd defendant in an arbitrary manner, nominated the 3 members, which is a violation of the rule framed by the 1st defendant diocese, and their nomination is to be declared void?

- (x) Whether the Parish priest and Bishop should not get involve with the day to day administration of the church?
- (xi) Whether the acts and deeds of the defendants are against the bye-laws passed by them?
- (xii) Whether the 2nd defendant with the malafide intention to put hurdle on the proper functioning of the plaintiff's church administration and management, did these misdeeds?
- (xiii) Whether 2nd defendant adopted the practice of announcing so many things, pertaining to the administration of the church without consulting the managing committee and also without observing the resolutions passed by the committee on Oor people before the parishioners immediately after the conclusion of the prayer?
- (xiv) Whether the petitioner failed to follow the Mandatory provision of O1 R8 of the CPC and now the present plaint is void in law?
- (xv) Whether the plaintiff is bound by Canon Law and bye-laws and the entire plaint is against the spirit of Canon law?
- (xvi) Whether the provision of Parish Pastoral Council bye-laws (Part XII No.8 page 25) either a member of Parish council or the office bearer of Parish Council shall not file any suit before court without the written permission of 1st defendant Bishop so the suit as framed is not maintainable in law under Part XII No.8 page 25 including all the members of the church.
- (xvii) Whether the present suit is barred by specific relief Act section 34 and section 41 (e) (i) The plaintiff is bound by the bye-laws and cannot file any suit In which the plaintiff does not have a civil right.
- (xviii) Whether the plaintiff is a signatory to the bye-laws and other proceedings. Without set aside the bye-laws and other proceedings plaintiffs suit is barred under Section 40 of the Tamil Nadu Court Fees Act, and the main

relief is not sought in the plaint but seeking any negative reliefs that are barred under the CPC and specific Relief Act.

(xix) Whether the acts of the 1st defendant are unconstitutional, and the respondent has no locus standi to do so?

8) Moreover Granting the relief sought in the petition to the petitioner at this early stage, when no decision has been made as to the above-mentioned issues, would cause great hardship and loss to the respondent. The petitioner/plaintiff has not entitled to seek the main relief as interim relief in this petition. The petitioner/plaintiff failed to prove his prima facie case.

9) In these circumstances, the petitioner is not entitled to any relief in this petition. Hence, this court is inclined to dismiss this petition.

10) As a result, this petition is dismissed without cost.

Dictated to the Steno-Typist, and typed by her directly in the Computer, corrected and pronounced by me, in open court this, the 15th day of March, 2024.

I Additional District Munsif,
Nagercoil.

Petitioner side witnesses and documents : Nil.

Respondent side witnesses and documents : Nil.

I Additional District Munsif,
Nagercoil.

Draft/Fair Order
I.A.No.4/2023 in
O.S.No.46/2023
Date: 15.03.2024
I ADM Court, Nagercoil.