

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

Present: **Thiru. R.Sundara Kamesh Marthandan, M.L.,**
II Additional District Munsif, Nagercoil.

Monday, on this the 22nd day of January 2024

I.A. No.16 of 2024

in

O.S. No. 24 of 2020

1. D.Joselin David

2. K.Francis

... Petitioners/Plaintiffs

-VS-

The Pastor CSI Church

Paloor

... Respondent/8th Defendant

This Petition came up before me on 22.01.2024 for final hearing in the presence of Thiru. J.Parthasarathy, Advocate for the Petitioners/Plaintiffs and Mr. B.S. Ajay Anand for the Respondent and upon hearing the Petitioners' Counsel and Respondent's Counsel and upon perusing the case records and having stood over for consideration till this day, this Court hereby delivers the following:

ORDER

1. The Petitioners have filed the above petition seeking mandatory injunction directing the Respondent/8th Defendant to administer Baptism to the 1st Petitioner's child Alden J.N.Jerolin, as per the Constitution of the CSI Kanyakumari Diocese.

2. The Petitioner had stated that the Petitioner has filed the above suit seeking various remedies. The 1st Petitioner's son Alden J.N.Jerolin was born on 07.02.2023 and yet to be baptized. The 1st Petitioner applied to the Respondent/8th Defendant for Baptization of his son on 20.12.2023. The said baptism was scheduled on 25.12.2023, during the mass ceremony. However on 22.12.2023 the Petitioner received a letter calling upon him to attend a meeting on 09.01.2024.

3. Further on 24.12.2023 the Respondent/8th Defendant stated that he cannot administer baptism to the Petitioner's son on 25.12.2023 and the baptism could be administered only, as per the decision in the meeting on 09.01.2024. The Petitioner's son's baptism which was scheduled on 25.02.2023 was cancelled, in an arbitrary manner against the Constitution of CSI Diocese, Kanyakumari, which Chapter I, Section 10.1 states that the children of Christian parents have to be baptized at the earliest opportunity, preferably within a year of birth. The 1st Petitioner's son is born on 07.02.2023. Within one year, the child has to be baptised, in order to fulfill the vow and religious ritual. Hence the above petition.

4. When the above petition was moved before this Court, it was suggested that, in view of the relief sought for, in the above petition and considering the fact that the prayer pertains to baptism of new born infant, without adverting to the claim and rival claim between the parties, it was suggested by this Court that

the Respondent/8th Defendant to inform a date for baptism of 1st Petitioner's son. The Respondent's Counsel filed a memo dated 22.01.2024 stating that on 25.12.2023 it is the 1st Petitioner who had not come forward for baptism. The Respondent/8th Defendant's Counsel had further stated that there is commotion between two groups in the church on every Sunday.

5. Further the election for the Deacons, for the Triennium 2024-2027 is scheduled to take place on 18.02.2024 and that there are allegations against the Petitioners/Plaintiffs to invoke disciplinary proceedings. The Respondent's counsel B.S.Ajay Anand had also stated that the Respondent/pastor he is ready to give baptism for the 1st Petitioner's son Alden J.N.Jerolin on any Wednesday evening service or on 31.03.2024 being Easter day and if the 1st Petitioner is very particular in getting baptism on any Sunday, the same may be fixed on 25.02.2024, the first Sunday after election.

6. The Point for Consideration is whether the above Petition has to be allowed or not.

7. The parties are not in dispute as to the fact that the 1st Petitioner's son Alden J.N.Jerolin was born to Christian parents and that baptism should be conducted preferably within one year from the date of birth. The 1st Petitioner's son had born on 07.02.2023, as such, as per the Constitution of Kanyakumari diocese, baptism has to be preferably done on or before 06.02.2024. The Petitioner in his petition had not sought for scheduling the baptism on any Sunday. However during the course of argument, the learned Counsel for the

Petitioner had stressed to schedule the 1st Petitioner's son's baptism on any Sunday. The learned counsel was asked to point out as to whether there is any specific rule in the Constitution of Kanyakumari Diocese, to fix the baptism Particularly on Sunday. The learned counsel could not point out the same.

8. With regard to the commotions, between the two groups and with regard to the Respondent's claim that the baptism could be conducted on any Wednesday Service or on 25.02.2024, after the deacons election for triennium, 2024-2027 or on 31.03.2024 the Easter Day, the 1st Petitioner is not acceptable. Since it is pointed out before this Court that children born to Christian parents should be Baptized preferably within one year from the date of birth, this Court is of the considered view that the Respondent/8th Defendant should baptize the 1st Petitioner's son Alden J.N.Jerolin on or before 06.02.2024. The Petitioner shall make his son Alden J.N.Jerolin available for baptism in a day on or before 06.02.2024, to be fixed by the Respondent/8th Defendant.

9. It is also clarified that if the 1st Petitioner do not opt to baptise his son on any day other than Sunday, if scheduled by the Respondent/8th Defendant, the same by itself will not be an embargo for the 1st Petitioner to get his son baptised, subsequent to 06.02.2024 on any Sunday.

In the result, the above Petition is allowed with the above made observations. There shall be no order as to cost.

Dictated to the Steno typist, and typed by her, directly in Computer corrected and pronounced by me in Open Court this, the 22nd day of January, 2024.

Sd/-R.Sundar Kamesh Marthandan
II Additional District Munsif,
Nagercoil.

Petitioners side witnesses and documents:- Nil

Respondent side witnesses and Documents :- Nil

II Additional District Munsif,
Nagercoil.

Fair/ Draft Order
I.A.No.16 of 2024
in
O.S.No.24 of 2020
Date: 22.01.2024.
II ADM Court, Nagercoil.