

IN THE COURT OF THE DISTRICT MUNSIF, VANIYAMBADI

Present: Thiru V.ESHWAR, B.E.,LL.B.,
DISTRICT MUNSIF, VANIYAMBADI

Dated this the 22th day of July, 2026

(2057 திருவள்ளூர் ஆண்டு, ஸ்ரீ பராபவ வருடம் , ஆடி திங்கள் 6 ம் நாள்)

I.A. No. 02 of 2026

in

O.S.No. 47 of 2026

M. Amalan

... Petitioner / Proposed Party

VERSUS

1. Bethlehem Lutheran Church, Govindapuram,

Rep. by its President Rameshkumar

2. Niranjana Prabu

Secretary, Bethlehem Lutheran Church, Govindapuram.

... Respondents 1 & 2 / Plaintiffs

3. IELC, Ambur Synod,

Rep. by its President L.S.D. Gladson Premkumar

4. Bethlehem Lutheran Church, Govindapuram,

Rep. by its Pastor Suresh Paul Ebinaser

... Respondents 3 & 4 / Defendants

This Interlocutory Application coming on this 22nd day of July, 2026 for final orders before me in the presence of the learned counsel Mr. **R.Thirupathi** for the petitioner, the learned counsel Mr. **A.AravindRaj** for the respondents 1 and 2, and the learned counsel Mr. **R.Arun** for the respondents 3 and 4 having reported no counter, and upon perusing the petition, the counter affidavit of respondents 1 and 2, and all other material records, this Court passes the following:

ORDER

(Petition filed. U/O.1 R.10(2) of CPC)

The petitioner has filed this application under Order I Rule 10(2) of the Code of Civil Procedure, 1908, seeking to get himself impleaded as a defendant in the main suit in O.S. No. 47 of 2026.

GIST OF THE PETITION:

2. The petitioner states that he is a member of the 1st respondent Church and has previously served as its Secretary. On account of his past office and ongoing membership, he claims to be a key person in the management of the church. According to him, the 3rd respondent Synod issued a circular on 13.04.2026 regarding general transfer consultations and church elections for the year 2026, accompanied by lists of eligible pastors and churches. Subsequently, a provisional voters' list was published on 01.04.2026. Because that list did not bear the signature of the church Secretary, revised final voters' lists were published on 01.04.2026 and 22.04.2026, and the election was scheduled to take place on 03.05.2026.

3. The petitioner further states that as per the election schedule, nomination papers were to be scrutinised and withdrawn on 30.04.2026, and the final list of candidates was to be published on 01.05.2026 at 10:00 AM. However, on 30.04.2026, the Election Officer, Mr. M. Solomon, recused himself from election duties due to insufficient time given to candidates and non-

attendance of election staff. It is alleged that contrary to the constitution of the India Evangelical Lutheran Church (IELC), the Deputy Election Officer, Mr. A. John Bernardshaw, attempted to conduct the election unilaterally. A representation given by church committee members on 01.05.2026 was rejected, and an alleged candidate list was released on public media on 02.05.2026 at 11:30 PM, creating tension in the locality. The petitioner asserts that local police intervened and issued warnings, as a result of which no election actually took place on 03.05.2026.

4. The petitioner contends that despite these irregularities and the non-conduct of the election, the plaintiffs have instituted the main suit falsely claiming that an election was held on 03.05.2026 and seeking a declaration of their election. He submits that the suit has been filed by suppressing material facts and omitting necessary parties, and that his presence as a defendant is essential to place the true factual state of affairs before this Court.

GIST OF COUNTER FILED BY 1&2 RESPONDENTS

5. The 1st and 2nd respondents/plaintiffs have strongly opposed this application through a detailed counter. They submit that the main suit in O.S. No. 47 of 2026 was instituted by the duly elected President and Secretary of the Bethlehem Lutheran Centenary Church for the term 2026–2028. The suit seeks a declaration that the plaintiffs are the validly elected office bearers and a mandatory injunction directing the defendants to administer the oath of office and permit them to function.

6. The respondents contend that the cause of action is strictly between the newly elected office bearers and the administrative authorities (defendants 1 and 2 in the suit), who are allegedly preventing the elected body from assuming office despite the official declaration of election results by the competent authorities of the Ambur Synod. They argue that the proposed party has no direct or legal interest in the subject matter of the suit, no relief is claimed against him, and any decree passed in the suit will not affect his individual legal rights.

7. Furthermore, the respondents submit that the petitioner is attempting to widen the scope of the suit by raising independent, pre-election disputes concerning voter lists and the conduct of election officers. They maintain that as dominus litis, the plaintiffs cannot be compelled to litigate against a stranger against whom no relief is sought.

8. The 3rd and 4th respondents / defendants did not choose to file any counter affidavit to this application and reported no counter.

POINT FOR DETERMINATION

9. Having heard the submissions of both sides and perused the records, the following point arises for consideration in this application: *“Whether the petitioner is either a necessary party or a proper party to be impleaded as a defendant in the main suit under Order I Rule 10(2) of the Code of Civil Procedure, 1908?”*

EVIDENCE ADDUCED

10. No oral or documentary evidence was adduced by either side during the inquiry in this interlocutory application.

ARGUMENTS OF THE PARTIES

11. The learned counsel for the petitioner contended that the petitioner is a senior member and former Secretary of the church, and therefore has a vital interest in its proper administration. He submitted that no valid election took place on 03.05.2026 due to the resignation of the Chief Election Officer, Mr. M. Solomon, and police intervention late at night on 02.05.2026. The counsel argued that the suit has been instituted on a fabricated premise of an election having been conducted, and if the petitioner is not added as a party, the true facts surrounding the election process will be suppressed from the Court.

12. In response, the learned counsel for the respondents 1 and 2 / plaintiffs submitted written arguments and argued that the scope of the suit is limited to the post-election rights of the declared successful candidates against the Synod authorities who are bound to administer the oath. He contended that Order I Rule 10(2) CPC cannot be used by a third party to drag the Court into collateral disputes regarding the preparation of electoral rolls or pre-election administrative grievances. He relied on the well-established principle that the plaintiff is the *dominus litis* of his suit and cannot be forced to implead a party against whom no relief is sought, especially when complete adjudication of the prayers in the plaint is possible between the existing parties. If an individual is

aggrieved by the manner in which an election was conducted or announced, he has to seek remedy by filing a separate civil suit challenging the election.

DISCUSSION AND REASONS FOR DECISION

13. Heard both sides. Perused the records. In the main suit, the plaintiffs claim to have been elected as the President and Secretary of the Bethlehem Lutheran Centenary Church in an election held on 03.03.2026/03.05.2026, and they seek a declaration of their status along with a direction to the synod/church administration to administer the oath of office. The defendants named in the main suit are the Ambur Synod and the local Pastor.

14. The petitioner seeks to enter the suit on the premise that he is a former Secretary and a member of the church who disputes the very conduct and validity of the election held on 03.05.2026. In the petition, he sets out detailed allegations regarding the recusal of the Election Officer, the improper publication of voter lists, and police warnings on the eve of the election.

15. The law governing the addition of parties under Order I Rule 10(2) of the Code of Civil Procedure is well settled. The Court may add a party either as a necessary party or as a proper party. A necessary party is one without whom no effective decree can be passed at all. A proper party is one whose presence is necessary to enable the Court to effectually and completely adjudicate upon and settle all questions involved in the suit.

16. To determine whether a proposed party is necessary or proper, the

primary reference point must be the scope of the suit as structured by the plaintiff. The plaintiff is the *dominus litis*. He chooses the forum, the cause of action, and the persons against whom he seeks relief. A third party cannot force his way into a suit merely because he has an interest in the general subject matter or holds a different viewpoint on the facts, unless his presence is indispensable for deciding the specific dispute raised in the plaint.

17. In the present case, no relief is claimed against the petitioner. The plaintiffs do not seek any order binding the petitioner, nor would any decree passed in the suit directly extinguish or create any legal right in favor of or against the petitioner in his personal capacity. If the suit is decreed, it will bind the defendants 3 and 4 to recognise the plaintiffs; if it is dismissed, the plaintiffs fail to obtain their declaration. In neither scenario is the petitioner's legal rights directly affected by the operative decree.

18. The petitioner's primary grievance relates to the pre-election process, regarding the validity of the voter lists, the authority of the Deputy Election Officer, and whether the election was legally conducted. These assertions raise an independent cause of action regarding the validity of the election process itself. If an individual church member or former officer is aggrieved by the manner in which an election was conducted or announced, the law provides separate, independent remedies under the constitution and bye-laws of the IELC or through a separate civil suit challenging the election process.

19. Permitting the petitioner to join as a defendant in this suit would fundamentally alter the character of the litigation. Instead of deciding whether the existing administrative authorities are obligated to induct the plaintiffs based on the declared results, the Court would be forced to adjudicate a comprehensive election dispute involving internal administrative disputes raised by individual members. An impleading application under Order I Rule 10(2) CPC cannot be utilised to enlarge the scope of the suit or to convert a suit for declaration of elected status into a full-scale election contest among church members.

20. On a careful evaluation of the record, this court is of the considered view that the petitioner is neither a necessary party nor a proper party, as his presence is not required to decide the specific controversy framed between the existing parties. His grievances regarding the election process constitute an independent dispute which must be agitated in an appropriate proceeding. Consequently, we find that the application lacks legal merit and is liable to be dismissed.

RESULT

21. In the result, this Application is hereby dismissed. In the circumstances of the case, there shall be no order as to costs.

Directly typed by me in my official laptop, corrected and pronounced by me in the Open Court, this the 22th day of July 2026.

**DISTRICT MUNSIF,
VANIYAMBADI.**

APPENDIX

- I. Witnesses Examined on behalf of petitioner : Nil
- II. Documents Marked On behalf of the Petitioner: Nil
- III. Witnesses Examined on behalf of respondents : Nil
- IV. Documents Marked On behalf of the respondents: Nil

**DISTRICT MUNSIF,
VANIYAMBADI.**