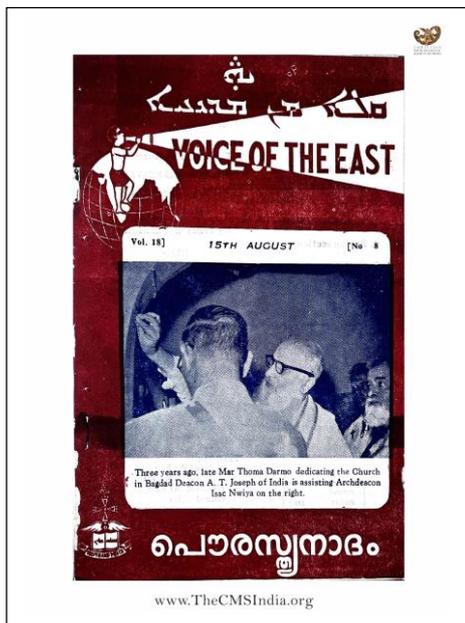
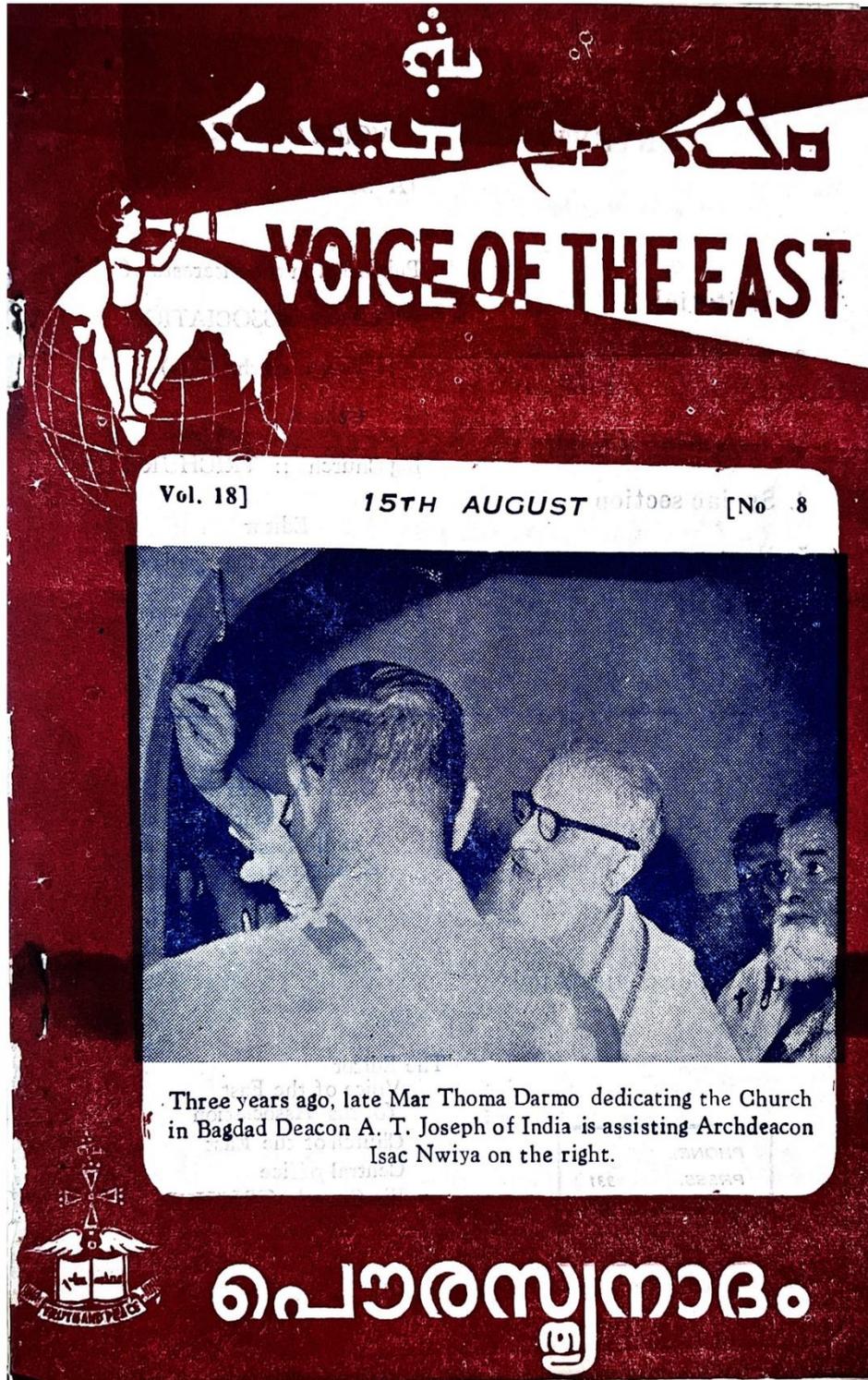


# Voice of the East– August (Ancient Church of the East) പൗരസ്ത്യനാദം



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## VOICE OF THE EAST

(A Socio-Religious monthly)

1. Editorial
2. St. Thomas Centenary celebrations
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4. Syriac section
5. News

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# VOICE OF THE EAST

Vol. 18

1971 August

Book 8.

## Editorial

### N. C. C. Assembly

The National Christian Council of India is having its assembly in Kerala from August 31 to September 5, 1971. Since it is the first time the churches in Kerala are getting an opportunity to host the national assembly of N. C. C. of India, elaborate preparations have been done to make it a grand success.

Chaldean Syrian Church of the East in India, being an ancient church is involved in the great ecumenical movement. The universal Church of the East is a member of the World Council of Churches since its inception in 1948 at Amsterdam and late Mar Thoma Darme was one of the delegates of the World Council of Churches assembly when it met in New Delhi in 1961.

It was in 1969 the Chaldean Syrian Church in India took its membership in the Kerala Christian council, the regional unit of the National Christian Council of India. In 1970 it was decided to admit this church as a full member church of the National Christian Council.

At its present assembly in Kottayam, His Grace Mar Aprem will represent this church. We extend a warm welcome to all the leaders who will be coming to Kerala, representing various christian denominations from all parts of India.

Editor.

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## ST. THOMAS CENTENARY CELEBRATIONS

The nineteenth centenary celebration of the martyrdom of Apostle Thomas is being planned for 1972. The celebrations at his tomb in Mylapore in Madras are being planned in a national level for the beginning of 1972. The Kerala Churches are planning the celebrations towards the end of 1972 to be the conclusion of the centenary year. Some of the decisions of the ecumenical committee met at Archbishop's House of Cardinal Joseph Parecattil of Ernakulam are given below for the information of the public.

Three priorities were pointed out by the Sub-Committee:—

(a) Establishment of an Ecumenical Youth Centre and a School of Arts.

(b) An Ecumenical socio-economic venture like CARD of Malabar (An institution looking after the handicapped)

(c) To bring about an understanding between various denominations in putting up churches.

After further discussions the house decided in favour of four areas of study and action:

1) Area of Spiritual Renewal affecting various aspects of life.

2) Area of modern youth and its problems.

3) Area of service and development programmes.

4) Area of scientific study of the history of the Church in Kerala.

All these four areas of study and action are to be tackled from an ecumenical stand point.

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## YEAR END CELEBRATION

The members considered it useful and opportune to have at least a one-day-celebration to mark the event. An ecumenical Worship, Procession, Public Meeting, Cultural Programmes, etc; were mentioned among the items of the day.

Every thing considered, Ernakulam was proposed as the Venue of the celebration.

The executive committee recommends dioceses of various Christian denominations getting together and organising local celebrations wherever possible. The members of the Executive Committee could offer their services in organising such celebrations in different centres like Trivandrum, Quilon, Tiruvalla, Kottayam, Trichur, Calicut, etc.

December being the end of the Jubilee Year it was thought fitting to choose a day during the Christmas holidays, tentatively Monday, 27th December was fixed for the celebration.

The feasibility of conducting the final competitions of an All Kerala Youth Festival in connection with the Final Celebrations also came in for discussion. Considering the magnitude and unwieldy nature of an all Kerala Sports Festival involving over 39 dioceses belonging to various Churches, the members thought it better to arrange cultural programmes rather than competitions, on an all Kerala basis. In case such a programme is proposed and accepted, December 26 Sunday may be set apart for the same.

A CELEBRATION PLANNING COMMITTEE was formed in order to Chalk out in detail the programme of the celebrations.



## JUDGMENT

O. S. No. 8 of 1965

(Continuation)

31. Addl. issue No. 2. It is contended on behalf of the 2nd defendant that the plaintiffs' suit is abated on the death of the 1st defendant. Order 22 Rule 1 states that the death of a defendant shall not cause a suit to abate if that the right to sue survives. The right to sue can only mean the right to bring a suit, asserting a right to the same relief as against the legal representative. (See Commentaries on C. P. C by D. F. Mulla, 12th edition page 932). The 2nd defendant who was impleaded as the legal representative, claims to be the Metropolitan of the Church of the East in India as ordained by the 1st defendant. The alleged ordination was long after the order suspending the 1st defendant. Hence, the status and rights of the 2nd defendant as Metropolitan stand or fall depending on the validity or otherwise of the suspension order. Further, the plaintiffs claim a relief of possession regarding certain moveables also. Admittedly, certain moveables have come into the possession of the 2nd defendant in his capacity as a Metropolitan ordained by the 1st defendant. In this view, the suit could not abate on the death of the 1st defendant. Issue held accordingly.

32. Issue No. 4: In the original plaint, permanent injunction is claimed only against the 1st defendant. After the impleadment of the 2nd defendant, the relief has not been amended in any way and no injunction is claimed against the 2nd defendant. The original 1st defendant is dead. Hence, the plaintiffs are not entitled to the injunction prayed for. Issue answered accordingly.

33. Issue 5 and Addl. issue No. 1: In paragraph 18 of the plaint, it is stated as follows :—

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“ The sceptre and the Crown, Gold Chain and Cross and the Robes to be worn by the Metropolitan belong to the Church. Religious Books for which a sum of Rs. 5,000/- was paid for by the Church, but whose value is inestimable, and also similar other books including Books of Canon Laws, two of which had been produced by this church, marked as Exhibits 289 and 291, in the Trichur Church case in O. S. 66/1086 of which Ext. 291 has been produced by the defendant in the aforesaid O S. 1061/1962, are in the custody of the defendant as Metropolitan. He is not entitled to be in possession of them or to use them after he was suspended”.

In paragraph 24 (b) a decree for possession has been claimed for delivery of possession of articles mentioned in paragraph 18 either to the plaintiffs on behalf of the Church, or to the receivers appointed by the court. O. S. 1061/1962 is a suit filed by certain members of the congregation challenging the election held to the representative council under Ext. D1, under the supervision of the 1st defendant after he was suspended by the Patriarch. The suit appears to have been decreed and is now pending appeal. In the suit, two receivers appear to have been appointed and the name is new pending appeal before the Supreme Court and there appears to be an interim order passed by the Supreme Court directing that the receivers appointed will not interfere with the exercise of the spiritual powers by the 2nd defendant. In paragraph 15 of the written statement, the 1st defendant only contends that he cannot be deprived of the use of any of the articles mentioned in paragraph 18. The allegation regarding custody and the description of the articles is not challenged by the 1st defendant. Nor does he claim any one of the articles as his own. The con-

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tion is only that as a Metropolitan, he is entitled to continue to use it. I have held that the suspension order is valid and as such from the date of the suspension order, the 1st defendant had no right to use these moveables.

34. It appears that even during the lifetime of the 1st defendant, after the suspension order, he went to Iraq and ordained the 2nd defendant as Metropolitan of the Church of the East in India and the 2nd defendant appears to have taken charge in such capacity. In this written statement, the 2nd defendant states as follows: -

“This defendant is not in possession of all the properties mentioned in prayer (a) of the plaint and does not also claim to be possession. Sceptre, Crown, Gold Chain with Cross and robes are being used by the 1st defendant. He took them with him., except the gold chain with cross when he went to Baghdad. He had to wear these things on special occasions. The gold chain with cross was presented to the 1st defendant by Mrs. Mookan Ouseph in 1128; and that was his personal property. There is a library in the Bishop’s House where I am residing.”

The gold chain and cross referred to in paragraph 18 of the plaint must necessarily be the gold chain with cross referred to in the written statement of the 2nd defendant. The 1st defendant had no case that the same belongs to him as having been presented by one of the congregation and as such the 2nd defendant is incompetent to set up such a case. Hence I hold that all the assets set up in paragraph 18 of the plaint belong to the Church.

35. The question arises as to whether the 2nd defendant has come to possession of all these assets. The library must necessarily be in his custody, in as much as, it is situated in the Bishop’s palace and the Bishop’s palace is in his custody. The sceptre, crown,

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gold chain with cross and robes, according to the 2nd defendant, were taken by the 1st defendant, when he went to Baghdad. This is controverted by Pw. 1 and supported by Pw. 5. Of the two versions, on going through the evidence, I am inclined to accept the version of Dw 5. Admittedly, the 1st defendant went to Baghdad after his suspension and he ordained some persons including the 2nd defendant. The sceptre, Crown, and Gold chain and cross and robes are part of the Paraphernalia of a Metropolitan in office and it is more probable that the 1st defendant took these moveables with him when he went to Baghdad. Hence, I hold that the 2nd defendant did not get custody of the Sceptre, crown, Gold chain and cross and that the 1st defendant took them with him when he went to Baghdad. There is no case for the plaintiffs or the supporting defendants that these moveables were sent back from Baghdad to 2nd defendant. Thus it follows that out of the various moveables referred to in paragraph 18 of the plaint, only the religious books have come into the custody of the 2nd defendant. Since the suspension order of the 1st defendant is valid, and since on account of suspension the 1st defendant lost for time being his authority as a Metropolitan, he had no competency to ordain the 2nd defendant as Metropolitan. On this short ground, I hold that the 2nd defendant is incompetent to act as a Metropolitan. In this view, the question whether one Metropolitan could ordain another Metropolitan does not arise for consideration. Hence, the 2nd defendant is incompetent to retain custody of the religious books belonging to the Church. It is unsafe to put the valuable religious books into the custody of the plaintiffs who are only some members of the congregation. Since two receivers are already functioning, it would be in the

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interests of all concerned, to direct delivery of these books to the custody of the receivers to be disposed of ultimately in accordance with law. Hence, the plaintiffs are given a decree that the 2nd defendant should deliver possession of the religious books in his custody to the possession of the two receivers appointed in O. S. 1061/62 of the Munsiff's Court, Trichur. The receivers are at liberty also to secure possession of the religious books referred to in paragraph 18 of the plaint which have been filed in various proceedings referred to therein. Issues answered accordingly.

36. Issue No. 6: I have already held that the plaintiffs are not entitled to the injunction prayed for. However there will be a decree against the 2nd defendant directing him to deliver possession of the religious books referred to in paragraph 18 of the plaint to the receivers appointed in O. S. 1061/62 of the Munsiff's Court, Trichur. Even though the relief of injunction is negatived, that is only on account of the supervening circumstance, namely the death of the 1st defendant. On the material contention in the suit namely the validity of the suspension order, the plaintiffs have succeeded. Hence, I direct that the plaintiffs are entitled to get their costs of the suit from the assets of the 1st defendant and also personally from the 2nd defendant. All the defendants will bear their own costs.

Dictated to the Stenographer, transcribed by him, corrected and declared by me in open court on this the 25th day of November 1970/4th Agrayana 1892.

U. Lakshminarayanan Bhat,  
Addl. District Judge.

THE END

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## News

### **NEWS FROM AMERICA.**

We hear from Bishop Mar Poulouse that he was recently the guest Dr. and Mrs C. J. Chacko at Philadelphia Dr. Deacon Chacko M. A; Ph. D. is the Head of the Department of political Science and international law at Pennsylvania Military College. Bishop Mar Poulouse is spending his summer vacation in Ohio. He will be starting his Ph. D. work at San Francisco Theological Seminary in September.

### **St. THOMAS DAY.**

St. Thomas Day was celebrated by the Youths' Association at St. Thomas Church, Ernakulam. His Grace Mar Aprem celebrated Holy Qurbana in the morning on Sunday, A group of about hundred members went to see Diamper church etc.

### **DEATH ANNIVERSARY.**

September 7th is the death anniversary of late Mar Thoma Dharmo who died at St. Raphael's Hospital in Baghdad. Iraq on 7th September 1969. It was decided to have a Holy Qurbana on September 7th Tuesday morning at 7-30 a. m. at Marth Mariyam Big Church and have aneedha prayers at the Memorial Plaque placed near the Tomb of late Mar Thimotheus Metropolitan.

### **1972 CALENDERS.**

Only few copies of Assyrian (Julian) Calender of 1972 are available. Those interested may contact the Mar Narsai Press soon.

### **SUBSCRIPTION.**

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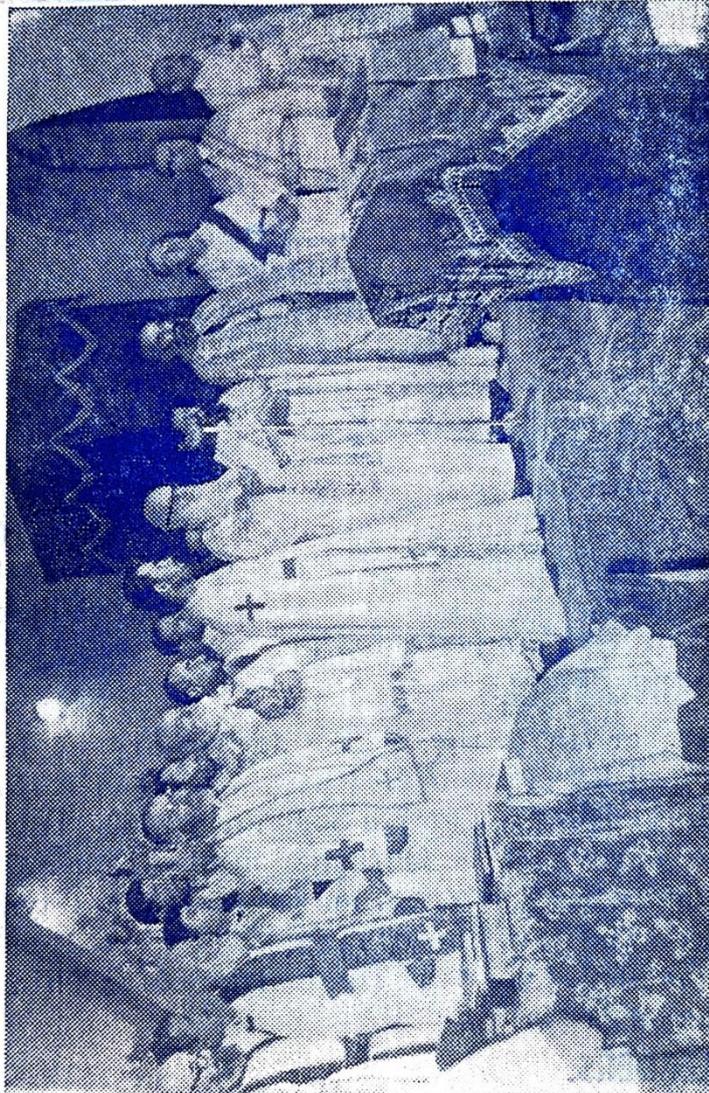
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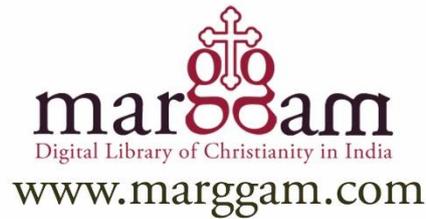
Qurbana at Mar Zaia Cathedral at Bagdad late Mar Thoma Darmo, Mar Aprem and Mar Adai are seen.

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