

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT.

Reserved on : 25.06.2026

Pronounced on : 13.10.2026

WEB COPY

CORAM:

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**C.M.A.(MD).Nos.623 of 2026 and 560 of 026
and
C.M.P.(MD).No.6914 of 2026**

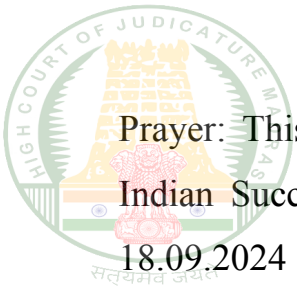
C.M.A.(MD).No.560 of 2016

The ABVM Society of the Catholic,
Apostolate (Pallottines),
Represented by Fr.Arokiasamy
Vice-Provincial, 1st Consulter,
Assumption House,
Chelikere, Kalyan Nagar, P.B.No.4321
Bangalore, State of Karnataka

...Appellant

Vs.

1.A.Deiva Nayagam
2.A.Joseph
3.P.Mary Jameela
4.The Branch Manager,
State Bank of India
Kulithalai Branch,
Cauvery Nager,
Kulithalai, Karur District.



Prayer: This Civil Miscellaneous Appeal has been filed under Section 384 of the Indian Successions Act No.39 of 1925 to set aside the order and decretal dated 18.09.2024 passed in Succession O.P.NO.0 of 019, on the file of the District Judge, Karur by allowing the Civil Miscellaneous Appeal.

For Appellant : Mr.S.Subbiah
Senior Counsel
for Mrs.P.Jessi Jeeva Priya

For Respondents : Mr.D.Sadiq Raja for,
Mr.P.R.Prithiviraj for R1 to R3

: Mr.S.Anwar Sameen for R4

C.M.A.(MD).No.623 of 2026

The ABVM Society of the Catholic
Apostolate (Pallottines)
Rep by Fr.Arokiasamy,
Vice-Provincial,
Assumption House,
Chelikere, Kalyan Nagar,
Bangalore, State of Karnataka.

... Appellant

Vs.

1.A.Deiva Nayagam
2.A.Joseph
3.P.Mary Jameela
4.The Branch Manager,
State Bank of India,
Cauvery Nagar,
Kulithalai Branch
Karur District.

... Respondents



WEB COPY

PRAYER: Civil Miscellaneous Appeal has been filed under Section 384 of Indian Succession Act No.38 of 1925, to set aside the order dated 18.09.2024 passed in Succession O.P.No.6 of 2019, on the file of the District Judge, Karur, by allowing the Civil Miscellaneous Appeal and to grant such further or other orders.

For Appellant : Mr.S.Subbiah
Senior Counsel
for Mrs.P.Jessi Jeeva Priya

For Respondents : Mr.D.Sadiq Raja for,
Mr.P.R.Prithiviraj for R1 to R3

: Mr.S.Anwar Sameen for R4

COMMON JUDGMENT

(Judgement of the Court was made by **K.K.RAMAKRISHNAN,J.**)

The present Civil Miscellaneous Appeals have been filed by the Reverend Society, Appellants Catholic Apostolate, challenging the judgment and decree dated 18.09.2024 passed by the learned Principal District Judge, karur, in S.O.P.Nos.6 of 2019 and 30 of 2019, whereby the learned Judge dismissed S.O.P.No.30 of 2019 filed by the Society and allowed S.O.P.No.6 of 2019 filed by the legal heirs of the deceased.

2. Since the claim over the deposits left by the deceased priest Rev. Father Deivakumar Arulanantham is being asserted both by his relatives and by the appellant-Society, it would be convenient, for the sake of clarity and easy reference,



to refer to them hereafter as the “**relatives of the deceased priest**” and the “**appellant-Society**”, respectively. The relatives of the deceased priest instituted S.O.P.No.6 of 2019, whereas the appellant-Society instituted S.O.P.No.30 of 2019, each asserting a rival claim over the deposits standing in the name of the deceased priest.

2.1. The facts giving rise to the present appeals are as follows The case of the Appellant's Society:

The Appellant's Society is registered society namely “*The ABVM Society of the Catholic Apostolate (Pallottines)*” under the Societies Registration Act. In the said society, Rev. *Father.Devakumar Arulanantham* was ordained as Priest 15.05.1989. He executed a last will dated 02.07.1988, in favour of the society as per the procedure of the society and the said will clearly recited that all belongings of the said priest during his tenure and services as a Priest belongs to the society. As such the society is the successor of the belongings of the deceased Priest. He served as priest of the society at various places. During his service at Salem, fell ill and was admitted in a Bangalore Hospital and died on 24.02.2018 in spite of the best treatment given at the expense of the society to the tune of Rs.9,89,998/-. Thereafter, his funeral service was done at to the church premises at the Appellant's society spending Rs.1,50,000/-. The society also performed the first death anniversary service. All the family members of the said priest including respondents 1 to 3 participated in the service.

2.2. That being the situation, the respondents 1 to 3 filed S.O.P. No.06 of 2019



on the file of the learned Principal District Judge, Karur and made claim over the fixed deposit of Rs.56,00,000/- made by the deceased priest in the State Bank of India, Kulithalai Branch, Karur District namely the fourth respondent. Thereafter, the Administrator of the Society, searched the room of the priest and found the original deposit receipts and the other related documents and filed the S.O.P. No.30 of 2019 on the file of the Principal District Judge, Karur seeking to issue succession certificate in favour of the Appellant's Society to get the claim amount of deposits along with the due interest.

2.3.The case of the respondents 1 to 3 in the S.O.P. No.30 of 2019:

The respondents 1 to 3 are petitioners in S.O.P. No.06 of 2019. They claim that priest namely Fr.Deva Kumar Arulanandam was a Roman Catholic Priest belonging to the “*The ABVM Society of the Catholic Apostolate (Pallottines)*.” He was born to K.Arulanandam and P.Muthammal. K.Arulanandan died on 02.02.1982 and mother P.Muthammal died on 14.07.1986. The said priest had two brothers and one sister namely Deivanayakam, A.Joseph and Kasthuri. The said Kasthuri died on 24.07.2014, leaving her daughter P.Mary Jameela. After death of the priest on 24.02.2018, they became the legal heirs of the deceased priest and therefore they filed S.O.P. No. 06 of 2019 for declaring that they are entitled to receive the amount Rs.56,00,000/- deposited by the deceased priest considering their relationship that first and second petitioners are brothers and third petitioner is niece after deducting any due payable by the deceased priest to the bank.



2.4. They had also disputed the will stated in the claim petition of society in S.O.P. No. 30 of 2019 stating that the same is not admissible since it did not bear the attestation. They also seek to dismiss the petition in S.O.P. No. 30 of 2019 and prayed to decree S.O.P. No. 06 of 2019

2.5 .Rev. *Father. Devakumar Arulanantham* was a *Roman Catholic priest* of *APVM Society of Catholic Apostolate(Pallotines)*. He renounced his worldly life and was ordained as a priest on 15.05.1989, which meant he had given up the material life. He served as a priest at various places under the said APVM Society. He ultimately died on 24.02.2018 at St. Philomena's Hospital, Bengaluru.

3. During his lifetime, he served as priest in various places. He also served as priest in the church at Kulithalai, Karur District. He opened savings bank account in his own name in the State Bank of India, Kulithalai, Karur District. He made six fixed deposits for the total value of Rs.56,00,000/- (Rupees Fifty Six Lakhs only). He also had a gold jewel loan account and obtained Rs.95,273/-. He was a great motivational speaker who was proficient in motivational speeches and used to hold programmes in various schools, colleges and many other platforms. He earned good name and also income out of it. After his demise, the claimants namely the relatives of the priest came to know about the deposits, but were unable to secure the original deposit receipts and filed the S.O.P.No.06 of 2019 with Xerox copy of the said fixed deposits by impleading the bank, but without impleading the society. In the said S.O.P.No.06 of 2019, the relatives have prayed for issuing succession certificate in

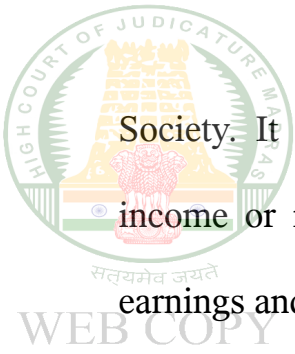


favour of them by declaring that they are entitled to receive the said amount. They also stated that the deceased purchased certain properties in the year 2004 in Bangalore and subsequently, he sold the said properties and invested the sale proceeds in various banks by way of fixed deposits.

4.The brothers, namely, A. Deiva Nayagam, A. Joseph and his sister's daughter P. Mary Jemeela, filed S.O.P.No.6 of 2019 before the learned Principal District Court, karur, seeking issuance of a succession certificate in respect of the amount of more than Rs.56 lakhs deposited in the State Bank of India, Kulithalai Branch, Karur District on the ground that they were legal heirs and they were entitled to get the same. The Bank Manager was impleaded as a respondent in the said proceedings. They have also filed I.A.No.13 of 2019 to call for the original deposit receipt from Bank. However, the APVM Society was not impleaded as a party.

5. Simultaneously, the APVM Society filed S.O.P.No.30 of 2019, impleading all the said persons as well as the Bank, seeking substantially the same relief in respect of the deposits referred to in S.O.P.No.6 of 2019. A simultaneous trial was conducted in both the Original Petitions on the basis of the respective pleadings of the parties.

6.In the counter filed by the APVM Society in S.O.P.No.6 of 2019 and in the petition in S.O.P.No.30 of 2019, it was specifically stated that, upon renouncing his worldly life and entering the religious order, the deceased had severed his relationship with his family members and had dedicated himself entirely to the



Society. It was further contended that the deceased had no individual source of income or independent property after entering the religious order and that all his earnings and properties acquired thereafter were for the benefit of the Society.

7. According to the Society, the deceased had purchased the property in the year 2004, after becoming a priest, and subsequently sold the same and invested the sale proceeds in various bank deposits. Therefore, the Society contended that the said deposits could not be treated as the personal assets of the deceased and that his brothers and sister's daughter had no right or entitlement to receive the said amount.

8. On the above pleadings, the learned Principal District Judge conducted a simultaneous trial in S.O.P.Nos.6 and 30 of 2019 and separately examined the witnesses produced on either side.

9. On the side of the petitioners in S.O.P. No.6 of 2019, Joseph, one of the brothers of the deceased priest was examined as P.W.1 and documents were marked as Ex.P1 to P21. Though the Bank was arrayed as a respondent, no witness was examined on behalf of the Bank.

10. Similarly, in S.O.P.No.30 of 2019, the representative of the APVM Society was examined as P.W.1. The holograph Will said to have been executed by the deceased in favour of the Society was marked as Ex.P3. Original deposit receipts and other documents were marked as Ex.P1 to P8. Thereafter, the learned Principal District Judge, after conducting a simultaneous trial in both the Original Petitions, allowed S.O.P.No.6 of 2019 filed by the brothers and the sister's daughter of the



deceased, namely, Devakumar Aruanandham, and dismissed S.O.P.No.30 of 2017 filed by the APVM Society.

WEB COPY

11. Aggrieved by the dismissal of S.O.P.No.30 of 2019 by order dated 18.09.2024, the Society has preferred C.M.A.(MD) No.560 of 2026. The Society has also preferred C.M.A.(MD) No.623 of 2026 challenging the order dated 18.09.2024 passed in S.O.P.No.6 of 2019 granting the succession certificate in favour of the respondents therein. After obtaining leave of this Court, both the Civil Miscellaneous Appeals were taken up together for disposal.

12.Submission of the learned Senior Counsel appearing for the Society :

The learned Senior Counsel appearing for the Society submitted that, once the deceased, Fr.Deivakumar Arulanantham, entered the religious order and took the requisite religious vows, he had renounced his worldly life and severed his relationship with his family members. According to the learned Senior Counsel, upon entering the religious order, the deceased had dedicated his entire life to the Society. once a person enters a religious order and takes the requisite religious vows, the legal consequences attached to such renunciation have to be taken into consideration while determining his right of succession. Therefore, the claim made by the brothers' and the sister's daughter under the Indian Succession Act is not maintainable.

12.1.The learned Senior Counsel further submitted that the deceased had executed a Will in favour of the Society and that, under the said Will, he had candidly declared that all the properties left by him belonged to the Society and the same can



be treated as undertaking deed if this Hon'ble Court cannot take it as will due to want of attestation. Therefore, according to the learned Senior Counsel, the Society has a absolute legal right over the properties and deposits left by the deceased.

12.2.The learned Senior Counsel also contended that the learned trial Judge, instead of conducting a joint trial, merely conducted simultaneous proceedings and, without properly appreciating the nature of the property and the status of the deceased after entering the religious order, allowed S.O.P.No.06 of 2019 and dismissed S.O.P.No.30 of 2019.

12.3.According to the learned Senior Counsel, the amount deposited by the deceased after entering the religious order was not his individual property, but was held in a fiduciary capacity for the benefit of the Society. He placed reliance upon the section 88 of the Trust Act and submitted that the Society was entitled to administer and deal with the properties left by the deceased in its capacity as trustee.

12.4.The learned Senior Counsel further submitted that the Canon Law governing the religious order also had to be taken into consideration and that the provisions of the Indian Succession Act could not be invoked in isolation so as to confer a right upon the blood relatives of the deceased. He also relied upon Section 2(9) of the Indian Succession Act and submitted that, upon entering the religious order, the deceased had ceased to have any independent proprietary interest in the properties acquired during his religious life and that the same were intended for the benefit of the Society.



12.5. The learned Senior Counsel further submitted that the amounts deposited in the various bank accounts have to be utilised for the welfare and activities of the Society and, therefore, the private respondents could not claim any independent right over the said amounts merely on the basis of their relationship with the deceased or because they have been nominated by the Priest.

13.Submission of the learned counsel appearing for the Respondents:

13.1.Per contra, the learned counsel appearing for the brothers and the sister's daughter, who were the petitioners in S.O.P.No.06 of 2019 and respondents in S.O.P.No.30 of 2019, submitted that even after entering the religious order, the deceased continued to be a person capable of holding property and that, upon his death, his legal heirs were entitled to succeed to his estate in accordance with law. In the present case, the deceased had specifically nominated the respondents in respect of the fixed deposits. Therefore, they were entitled to approach the Court under the succession proceedings and seek appropriate relief under the provisions of the Indian Succession Act.

13.2.The learned counsel further submitted that the said issue had been properly considered by the learned Principal District Judge and that there was no error warranting interference by this Court in the appellate jurisdiction.

13.3.It was also submitted that the APVM Society had no legal connection with the properties in question. The property from which the deposits were allegedly made had been purchased by the deceased in the year 2001, several years after he had



entered the religious order, and was subsequently sold by him. The sale proceeds were thereafter deposited in fixed deposits in his own name. Therefore, according to the learned counsel, the deposits constituted the individual property of the deceased and the Society had no right or jurisdiction to claim the same.

13.4. The learned counsel appearing for the respondents also relied upon several judgments of this Court in support of his contention and sought to distinguish the precedents relied upon by the learned Senior Counsel appearing for the Society.

14. This Court carefully considered the rival submissions made by the learned counsels appearing on either side and perused the materials available on record.

15. In view of the rival contentions, the following points arise for determination in these Civil Miscellaneous Appeals:

(i) Whether Ex.P3, executed by Fr. Deivakumar Arulanantham in favour of the APVM Society, though styled as a holograph Will and incapable of construing it as a testamentary disposition for want of the statutory requirements of execution and attestation, can nevertheless, having regard to its contents and the circumstances in which it was executed, be construed as a solemn religious undertaking so as to confer upon the APVM Society a legally enforceable right in respect of the deposits in question?

(ii) Whether the brothers and the sister's daughter of the deceased are entitled to succeed to and receive the amounts lying in the fixed deposits standing in the name of the deceased under the Indian Succession Act, notwithstanding his alleged



renunciation of worldly life and entry into the religious order?

(iii) Whether the learned Principal District Judge was justified in granting the succession certificate in S.O.P.No.06 of 2019 and dismissing S.O.P.No.30 of 2019 filed by the APVM Society by conducting separate proceedings?

15.1. For determining the above points for determination, this Court has examined

15.1.1.the nature and legal implications of entering a religious order, taking religious vows and the principles laid down in the decisions of the Hon'ble Supreme Court and various High Courts.

15.1.2.whether the Society is legally entitled to the deposits standing in the name of the priest, as against the competing claim of his relatives by inheritance, particularly in view of the fact that he had entered the religious order and taken the requisite religious vows on 15.05.1989 under Ex.P3.

15.2.Discussion on Ex.P3 executed by the deceased priest in favour of the appellant's society:

15.2.1.In this case, the appellant society had pleaded in the petition about the execution of the Will styled document dated 02.07.1988. the respondents did not dispute the same, more particularly, the signature, contents and the testamentary capacity of the deceased priest Rev.Fr.Devakumar Arulanantham. For better appreciation, this Court extracts the contents of Ex.P3 in S.O.P.No.30 of 2019:



MY LAST WILL

I, Devakumar Vahavilai, hereby declare with my full knowledge and free will that at the time of my death the society of the Catholic Apostolate will have full right over my personal belongings and my family will have full right over my family inheritance. In case of any problems, I request the "Then Provincial" to execute this Will of mine.

Yours Sincerely,

sd/2-7-88

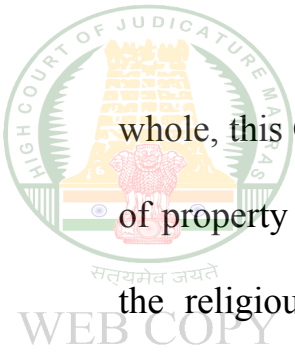
(Devakumar Vahavilai)

Pallotti Bhavan

Nagpur

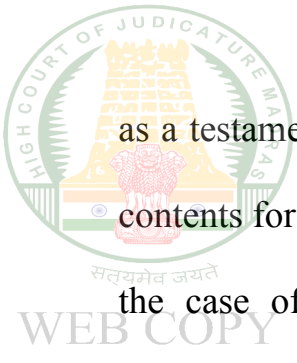
2-7-1988

15.2.2. Ex.P3, though described in its heading as a “Will” and sought to be treated as a holographic Will, cannot be viewed merely by reference to the nomenclature employed by its author. The true nature and legal effect of a document have to be gathered from its substance, contents and the circumstances in which it came to be executed. It is true that, in the absence of attestation and the examination of an attesting witness, the requirements for proving a Will in accordance with law may not stand satisfied. However, that circumstance does not render Ex.P3 wholly unavailable for consideration for every other legitimate purpose. This Court is not treating Ex.P3 as a testamentary disposition or as a Will operating upon the death of the priest. Rather, the document is being considered for the limited and distinct purpose of ascertaining the undertaking voluntarily given by the priest to the Society upon his entry into the religious order. On a careful reading of the document as a



whole, this Court finds that its substance is not confined to a testamentary disposition of property upon death. It records the priest's commitment, within the framework of the religious order which he had voluntarily embraced, concerning his worldly possessions and the rights of the Society over the properties acquired by him subsequent to his entry into the religious order. The substance of the document, therefore, assumes significance independently of the nomenclature employed in its heading. The principle is well settled that the nomenclature or caption of an instrument is not conclusive of its true character. The Court is required to ascertain the intention of the executant from the document read as a whole and from the surrounding circumstances. Merely because Ex.P3 is captioned as a “Will”, it does not follow that every statement contained therein must necessarily be treated as forming part of a testamentary disposition.

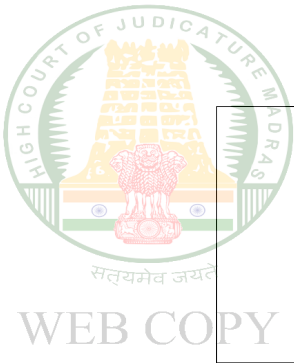
15.2.3. In the present case, the contesting claimants themselves have admitted the execution and existence of the document and its connection with the priest's religious commitment. The document thus assumes an independent evidentiary significance as an undertaking given by the priest to the Society at the time of, or in connection with, his entry into the religious order. It is, therefore, permissible for this Court to consider Ex.P3, not as an unproved Will, but as a written declaration and undertaking evidencing the relinquishment of any independent beneficial claim over properties acquired by the priest subsequent to his entry into the religious order. Viewed in that limited capacity, the question of attestation applicable to the proof of a Will does not arise. The absence of an attesting witness may affect the proof of Ex.P3



as a testamentary instrument, but it does not preclude the Court from considering its contents for the aforesaid collateral purpose .Ex.P3, therefore, materially corroborates the case of the Society that the priest, upon entering the religious order, had voluntarily undertaken to surrender his individual proprietary claims to the obligations undertaken by him towards the Society. The Court accordingly treats Ex.P3 as an undertaking recorded therein, which is further corroborated by legal concept that as per the Canon Law and the rules incorporated in the bye-laws of the Society, where property is acquired after becoming priest, the property was acquired for the benefit of the religious institution and the property cannot be treated as his personal estate merely because the documents stand in his name and he has no right over the same.

15.2.4. Evidence of the present case assumes considerable significance. The Second respondent namely, one of the brother A.Joseph himself has admitted that, in the case of a Roman Catholic priest, after taking the requisite religious vows, the priest is required, in accordance with the discipline and Canon Law of the Church, to renounce his personal proprietary claims and to place the properties and earnings acquired thereafter at the disposal of the religious society and as per the requirement, the Ex.P3 dated 02.07.1988 was executed. The relevant portion of the admissions are as following:

கத்தோலிக் பையில் நான் உறுப்பினர்தான். அதனுடைய சட்டதிட்டங்கள் தெரியும் என்றால் சரிதான்.	இறந்துபோன என் சகோதரர் தான் பாதிரியாராக ஆவதற்கு முன்பாகவே திருச்சபைக்கு ஒரு உயில் ஆவணம் எழுதி
---	---



செல்லக்கூடியவர்கள் அந்த சபைக்கு ஒரு உயில்சாசனம் எழுதி வைக்கவேண்டியது ஒரு அவ்வாறு பாதிரியாராக விதி என்றால் சரிதான்.	வைத்துள்ளார என்றால் சரிதான். அதில் சாட்சிகையொப்பம் இல்லை என்பதுதான் என்னுடைய வாதம் என்றால் சரிதான்.
--	---

15.2.5. In cumulative consideration of the surrounding circumstances, the nature of the document, the admitted handwriting and intention of executant, and the evidence regarding the religious status and obligations of the testator and admission of the said execution of Ex.P3, this Court holds its as *religious undertaking* to obligate and renounce his personal proprietary claims and to place the properties and earnings acquired thereafter at the disposal of the religious society.

16. Discussion on the religious order:

16.1. The code of Canon Law 1983 stated specific Canons regarding the admission and formation of religious. In Catholic usage, a “religious” is a man or woman who has taken religious vows (commonly poverty, chastity, and obedience), lives according to the specific Rule or Constitution of their congregation, and dedicates their life to the mission and service of the Church through that congregation's particular charism. Therefore detailed procedure are prescribed to make baptism, confirmation, Religious Formation for several years and then ordained as priest and to enter priesthood order.

16.2. The Canon 597 sets out who may be validly admitted to an institute of consecrated life, requiring right intention and the necessary qualities. The Canon 641-



645 govern admission to the novitiate, including the investigations and documentation required of candidates. The Canon 646-648 establish the novitiate itself as the period that begins religious life, with a minimum duration of one year and a maximum, including any absences, of two years - the period explicitly designed for mutual testing of the vocation. The Canon 655 provides that temporary profession is to be made for a period defined in the institute's own proper law, not less than three years nor more than six precisely the period during which a candidate typically completes the bulk of subsidized education. The Canon 657 states that upon expiry of temporary vows, and if found suitable, the member is to be admitted to perpetual profession; otherwise the person is to leave. The Canon 688 allows a member to leave the institute freely at the expiry of temporary vows, but requires that a member wishing to leave during the period of temporary vows obtain permission from the competent superior for a just cause. The Canon 691-693 governs dispensation from perpetual vows: a perpetually professed religious wishing to leave must petition the Apostolic See (for institutes of pontifical right) or the diocesan bishop (for institutes of diocesan right), and the request must state grave reasons, weighed before God. The Canon 694 and 696 provide for dismissal of a member for grave causes, including scandal caused to the community. From the above, it is clear that *"A person who enters a religious order ordinarily undertakes religious vows, traditionally including the vows of poverty, chastity and obedience, and thereafter lives in accordance with the constitutions and rules of the particular congregation to which he or she belongs. Such a person dedicates his or her life to the mission and service of the Church in*



accordance with the particular charism and ministry of the congregation and also by the constitutions and rules of the concerned congregation and the applicable provisions of Canon Law i.e. When a person enters the religious order and dedicates his life to the service of God and the religious institution, his life and activities are governed by the rules and principles of that religious order".

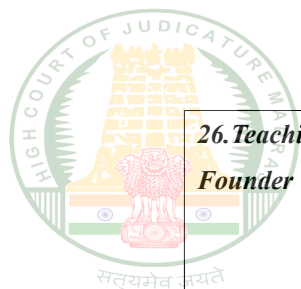
16.3. **Similar procedure also stated in the present society also.** The Society of Catholic Apostolate was founded by Vincent Pallotti in Rome in the 19th century, based on the vision that the work of evangelization is not confined to Bishops, Priests or religious persons, but is the shared responsibility of every baptized Christian. The relevant portion of **rules** of the '*The Society of Catholic Apostolate*' are as follows:

Chapter III CONSECRATED LIFE	<i>As you have sent me into the world, so I have sent them into the world. And for their sakes I sanctify myself, so that they also may be sanctified in truth (Jn 17:18-19). If we are to imitate Our Lord Jesus Christ, it is very necessary that we possess his spirit. This means that all of our thoughts and feelings must be like those of Jesus Christ, so that we can faithfully imitate him in our actions, which must be true expressions of our inner feelings (OOC III, 38).</i>
Article 1 Consecration 18 God, Total gift to following Christ, promises to the Society, apostolic vocation, form of consecration	<i>By our consecration we give ourselves entirely to God, and we resolve to follow Jesus by living in our Society according to the norms of its proper law. Thus, we promise to the Society: chastity, poverty, obedience, perseverance, the sharing of resources, and the spirit of service. This is our response to God's invitation to live for him and to serve humankind and the world by dedicated living in brotherly community.</i>
The formula of Consecration is the following:	<i>Ad maiorem Dei gloriam, beatissimae Virginis Mariae, Apostolorum Reginae, omnium Angelorum atque Sanctorum, et ad maiorem sanctificationem animae meae et proximi mei, auxiliante Deo, et intercedentibus beatissima Virgine Maria, beato Patre nostro Vincentio et omnibus Sanctis, ego..... me totum eidem omnipotenti Deo trado, dono et offero, ac Dominum nostrum Jesum Christum sequi statuo in Unione Apostolatus Catholici; ideo (ad annum, ad vitam) promitto Societati Apostolatus Catholici eiusque Superioribus: castitatem, paupertatem, oboedientiam, perseverantiam, vitam in comunione bonorum et in spiritu serviendi in caritate Christi, secundum Legem eiusdem Societatis¹.</i> <i>Our consecration is deeply rooted in baptism and is a more perfect expression of baptism. This gives a new and specific dimension to our commitment to the Church and to her mission of spreading the Kingdom of God on earth.</i>



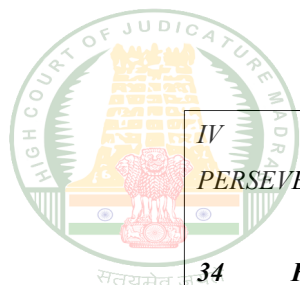
WEB COPY

19 Consecration and baptism, a new bond with the Church	<i>For the greater glory of God, of the Blessed Virgin Mary Queen of Apostles, of all the Angels and Saints, and for the more complete sanctification of myself and my neighbour, with the help of God, and through the intercession of the Blessed Virgin Mary, of our Blessed Father Vincent, and of all the Saints, I, ..., surrender, give and offer my whole self to the same omnipotent God, and I resolve to follow our Lord Jesus Christ in the Union of the Catholic Apostolate. Therefore, (for one year, for life) I promise to the Society of the Catholic Apostolate and to its Superiors: chastity, poverty, obedience, perseverance, a life in the sharing of resources, and in a spirit of serving with the love of Christ, according to the laws of the same Society.</i>
20 Obligation of the contract and of the promises	<i>Our consecration includes a bilateral contract which defines the rights and duties of the Society and of the individual member, according to the norms of our Law. This contract is binding in justice. The individual promises determine the essential content of our consecration, and as such are binding in fidelity.</i>
21 Spirit of our consecration	<i>Complete dedication to our consecration will not be satisfied with minimal commitment in our life and work. Rather it is fulfilled by a boundless love which we strive to cultivate towards God and our fellow human beings.</i>
21 Spirit of our consecration	<i>Complete dedication to our consecration will not be satisfied with minimal commitment in our life and work. Rather it is fulfilled by a boundless love which we strive to cultivate towards God and our fellow human beings.</i>
Article 2 The Promises I-CONSECRATED CELIBACY	<i>Because of our apostolic vocation, we choose the celibate life of Christ, who loved us and gave himself for us (cf. Gal 2:20). In this way we share in his love for the Church, and in a special way become more available and effective in the service of humankind. We see celibate chastity, chosen for the sake of the Kingdom, as God's special gift to each one of us and as a gift which is vital to our Society.</i>
22 Following Christ, love of the Church, apostolic fruitfulness, gift of God, a necessity for community life	<i>In this promise we commit ourselves to perfect continence in the celibate life.</i>
23. Obligations, observance of the promise	<i>This entails trials, sacrifices and serious self-discipline. However, by opening ourselves to God and to people we allow ample opportunity for personality development; we enhance our consecration and we deepen our union with God. The members are strengthened in this choice by their union with Christ in the apostolate, by their prayer life, by the celebration of the Eucharist, by their devotion to Mary, a model of undivided service to the Lord, and by commitment to friendship with our confreres.</i>
23. Obligations, observance of the promise	<i>This entails trials, sacrifices and serious self-discipline. However, by opening ourselves to God and to people we allow ample opportunity for personality development; we enhance our consecration and we deepen our union with God. The members are strengthened in this choice by their union with Christ in the apostolate, by their prayer life, by the celebration of the Eucharist, by their devotion to Mary, a model of undivided service to the Lord, and by commitment to friendship with our confreres.</i>
24. Means of safeguarding chastity	II – POVERTY
25. Following Christ, detachment, trust in God, apostolic effectiveness	<i>The Son of God, though rich, himself poor for our sake, so that he could make us rich out of his poverty (cf. 2 Cor 8:9). Following him, we wish to detach ourselves from material wealth. We place our trust in God, that we may become more effective in communicating the riches of redemption to people.</i>



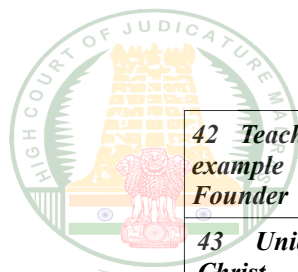
WEB COPY

26. Teaching of the Founder	<i>Our Founder reminds us that Christ led a life of poverty and humility and that he was completely dedicated in word and in deed to announcing God's Kingdom to humankind.</i> <i>Holograph icotti wants the poverty of the gospel to be reflected in the lives of the individual members and in the life of the community. He teaches us to use temporal resources for the apostolate and to share them with the poor.</i>
27 Obligation of the promise	<i>With the promise of poverty we commit ourselves to self-limitation and to a dependence on the Superiors, in the use, administration and disposition of personal and community goods, according to the Law of our Society.</i> <i>The members retain the right to own and acquire goods, but before making First Consecration they must cede the administration of their goods and make arrangements for their use and usufruct. Before making Perpetual Consecration members must make a will in accordance with the Common Law and the Law of our Society.</i>
28 Poverty in spirit and in practice, personal and communal	<i>If poverty is to be realised in practice as well as in spirit by individuals and by the community, there must be a constant effort on our part to follow the example of Christ. To this end, we place all our personal talents, and every other gift of nature and grace at the service of the apostolate. We adopt a life style which is simple according to local conditions. For the apostolate we use those means which show that we are faithful to our vocation.</i>
29. Fidelity to work	<i>In the fulfilment of our tasks we provide for our own sustenance and for the works of the Society in accordance with the common law of work. We gladly work with others to improve the condition of humankind.</i>
III-OBEDIENZA 30 Following Christ, unity in the Society to the salvific will of God	<i>Through obedience, we imitate the obedience of Jesus Christ as he fulfilled the mission given him by the Father, even when this led to his death on the cross (cf. Rom 5:9; Phil 2:8; Jn 4:34, 17:4). By imitating, within the Society, the obedience of Christ we are more closely united to the salvific will of God.</i>
31 Cooperation between the superiors and members	<i>Together, superiors and members must strive to discover God's will in the concrete conditions of life in the Church and the world and in the orientations of the Society. They work together to fulfil its apostolic aims and to promote its common good.</i>
2 Obligation of the promise, rights and duties of superiors and members	<i>With the promise of obedience we commit ourselves to follow the directives of our superiors in whatever regards observance of the Law of the Society.</i> <i>Superiors use their authority in a spirit of service to the community and to individual members. Before making decisions they consult with the members in ways they consider opportune, discussing and planning what would best serve the welfare of the community and individual members.</i> <i>The members, in turn, are conscious of their obligation to follow the initiatives of the superiors, they acknowledge their authority and make their decisions their own.</i> <i>If the common good of the Society requires it, Major Superiors can require members to exercise strict obedience.</i> <i>When they feel it is necessary, the members can have recourse to their superiors, thereby, respect for their immediate superior Major Superiors without relinquishing theirs.</i>
33 Mutual respect	<i>Superiors and members recognise that they are equal in human dignity. This mutual respect preserves the community from every form of insubordination and of servile comportment.</i>



WEB COPY

IV – PERSEVERANCE 34 Following Christ, perseverance to the end	<i>Jesus Christ loved his own, and he loved them to the end (cf. Jn 13:1). Following him, the members firmly resolve to be faithful to their vocation and to persevere in the Society until death.</i>
35.Fidelity to God and to the Society:	<i>Our consecration demands loyalty to God and to the Society. It unites us in a bond of close companionship, so that we belong to the Community and the Community belongs to us. We share in one another's joys and sorrows; we support one another in our difficulties so that our commitment may be lasting and fruitful.</i>
36 Meaning of the promise	<i>explicit the loyalty and stability essential to By this promise we wish to make more our consecrated lives.</i>
V-SHARING OF RESOURCES 37.Sharing of resources for community living and for the apostolate:	<i>Our Society is eager to be imbued with the same spirit which inspired the first community of the disciples of Christ (cf. Acts 4:32). By sharing all spiritual and material resources, members are determined to create unity within the Community and greater effectiveness in our apostolate.</i>
38.Obligation of the promise:	<i>By this promise, we oblige ourselves to give to the Society whatever we receive because of our work, or because we are members of the Society. In turn the Society gives us whatever we need for our living and for our apostolate.</i> <i>Regarding personal expenses, gifts, pensions, interest and insurance, the members will follow the directives of the Supplementary Law and of the respective Provincial Statutes.</i> <i>The superiors will see to the needs of the Community and of the individual members with fraternal care and in conformity with the Society's style of living. In this they will be particularly concerned to provide sick and elderly members with the help they need.</i>
39.Solidarity and co-responsibility	<i>The sharing of material resources is an expression of spiritual unity, and promotes co-responsibility and solidarity among the members. The members likewise share the anxieties, the work, and the experiences of one another.</i>
VI-SPIRIT OF SERVICE 40.Following Christ in the spirit of service:	<i>The example of the Son of Man who came not to be served but to serve (cf. Mk 10:45) characterises the Society and each of the members in their dealing with one another and with others.</i> <i>To avoid being ostentatious and domineering, we strive to maintain a spirit of service in whatever we do, within or outside the Society, inspired in this by the love of Christ (cf. 1 Cor 13).</i>
41.Obligation of the Promise:	<i>This promise obliges us not to seek positions or dignities. If these are offered to us from outside the Society, we will follow the decisions of our Superiors.</i>
Article 3 Life of Prayer	<i>In our life of prayer, both personal and communal, we follow the teaching and example of our Founder, who achieved a harmony between his union with God in prayer and his apostolic zeal, knowing how to give an apostolic character to prayer itself, in close rapport with the life of the Church and the whole human family.</i>

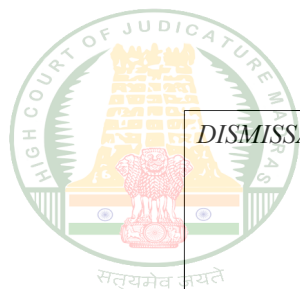


WEB COPY

42 Teaching and example of our Founder	
43 Union with Christ and the Church	<i>The members diligently develop the spirit of prayer so that their apostolic activities flow from their union with Christ and his Church.</i> <i>If within six months the member does not contact the superiors of the Society in order to rectify his situation, or, having received a warning, does not return to the Society within six months of leaving, the competent Superior may proceed with the canonical admonitions necessary for dismissal from the Society in accordance with n. 165 of this Law.</i>
164 Readmission of a member	<i>The Rector General, with the consent of his Consultors, may readmit a member who has legitimately left the Society. He must, however, determine a suitable period of probation, after which the candidate may be admitted to consecration.</i>
Article 2 <i>Dismissal from the Society</i> 165 Dismissal, norms to be followed	<i>The dismissal of a member of temporary or perpetual consecration is carried out in accordance with the norms of Ecclesiastical Law and the Law of our Society.</i> <i>The norms to be followed are to be found in Appendix I of this Law.</i>
Article 3 <i>Juridical status of Members separated from the Society</i> 166 Cessation and suspension of rights	<i>When a member legitimately leaves or is dismissed from the Society, all the bonds that linked him to the Society, and all rights and obligations deriving from the consecration he made in the Society, cease to exist.</i> <i>If the member is a cleric, he may not exercise sacred orders until he finds a Bishop who, after a suitable period of probation, is willing to receive him into his diocese in accordance with the norms of Ecclesiastical Law, or who will at least allow him to exercise his sacred orders.</i>
167 Aid to those who leave the Society	<i>A member who leaves the Society, or is dismissed, cannot, on the basis of our Law, appeal to a civil court to obtain reimbursement for work done in the Society.</i> <i>The Society, on its part, is conscious of its own responsibility in Christian love towards a member who leaves the Society or is dismissed from it.</i>
67A Report to the Holy See	<i>Members who for any reason are separated from the Society are to be mentioned in the report of the Rector General to the Holy See, in the manner and at the time determined by the latter.</i>
CHAPTER VII OUR LAW	<i>Teacher, which commandment in the law is the greatest? He said to him: you shall love the Lord your God with all your heart, and with all your soul, and with all your mind. This is the greatest and first commandment. And a second is like it: you shall love your neighbour as yourself. On these two commandments hang all the law and the prophets (Mt 22:36- 40).</i> <i>The laws are a means to perfect observance of the love of God and our neighbour.</i> <i>All will especially treasure the holy rule and constitutions, considering them as means given us by God in order to acquire that perfection which is characteristic of our holy vocation (OCCC VII, 40; VIII, 37, 103, 306).</i>
168 The Law of the Society	<i>1) The Fundamental Law. It contains the essential spiritual and juridical elements of our Society. It is by nature unchangeable and requires the formal approval of the Holy</i>

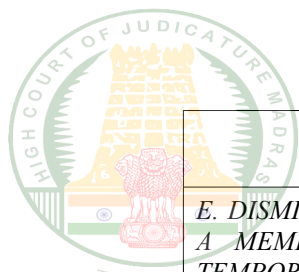


The following constitute the Proper Law of our Society:	See. Therefore, laws which imply modifications of the Fundamental Law can only be enacted in accordance with the norms of n. 103 of this Law. 2) The Supplementary Law. It contains which apply the Fundamental Law and are norms of a general and permanent character binding for the whole Society. Should circumstances so require, the norms of the Supplementary Law can be changed by laws enacted by the General Assemblies. Such changes are made in accordance with the guidelines specified in n. 333 of this Law. 3) The Decrees of General Assemblies. The duration and extension of these Decrees are determined by the General Assemblies.
169 Interpretation	The authentic interpretation of the Fundamental Law belongs to the General Assembly, with the approval of the Holy See.
170 Resolution of doubts	Doubts arising, either with regard to the meaning of the Fundamental Law or the norms of the Supplementary Law, are to be resolved by the declarations given by the Rector General, after hearing the opinion of his Consultors. These declarations are binding unless they are altered by the General Assembly.
171 Dispensations	In addition to the cases foreseen by Ecclesiastical Law and by the Indults of the Holy See or contained in our Law, the Major Superiors, for a just cause, can, in special cases and for a definite period of time, dispense from the provisions of our Law, excepting the basic elements of the Society and those which determine its organisation and government. Local Superiors may dispense from disciplinary norms only.
172. Dispensation from Decrees	Our Law, with the exception of those norms which contain obligations resulting from the promises and from the commandments of God and the precepts of the Church, does not bind as such under pain of sin. Rather, our Law, in accordance with the teaching of our Founder, is to be considered as a means given us by God in order to achieve the perfection of Christian love in our apostolic vocation. Each community must see to it that our Law is read in community at the prescribed times. In our community prayers the members ask God for the gift of observance of our Law. The members will frequently include our Law in their meditation and observe it with fidelity in accordance with the spirit of our Society.
APPENDIX I DISMISSAL OF MEMBERS FROM THE SOCIETY (Attached to n. 165; cf. canons 742, 746, 694-704) I - AUTOMATIC DISMISSAL	Page No. 149 to 152 A member is to be considered automatically dismissed if he: a) has notoriously defected from the Catholic faith; b) has contracted marriage or attempted to do so, even civilly. In these cases the Major Superior, with his Consultors, must, after collecting the evidence, without delay make a declaration of the fact, so that the dismissal is juridically established.
II - DISMISSAL BY PROCESS A. OBLIGATORY	1) Cause of such dismissal A member must be dismissed from the Society for the offences mentioned in canons 1397, 1398 and 1395 of the Code of Canon Law, unless, for the offences



WEB COPY

DISMISSAL	mentioned in canon 1395 § 2, the Superior judges that dismissal is not absolutely necessary and that sufficient provision can be made in some other way for the correction of the member, the restoration of justice and the reparation of scandal. ----- The approval of the adaptation of our Law by the Apostolic See, by Decree of the Congregation for the Institutes of Consecrated Life and the Societies of Apostolic Life (Prot. N. R 17.01.90) also includes Appendix I of our Law.
2) Mode of procedure in such cases	In these cases the Superior is to collect the evidence concerning the facts and the imputability of the offence. The accusation and the evidence are then to be presented to the member, who shall be given the opportunity for defence. All the acts, signed by the Major Superior and the notary, are to be forwarded, together with the written and signed replies of the member, to the Rector General.
B. POSSIBLE DISMISSAL OF MEMBERS OF PERPETUAL CONSECRATION	1) Cause of such dismissal A member of perpetual consecration may be dismissed from the Society for other causes, provided they are grave, external, imputable and juridically proven. Among such causes are: habitual neglect of the obligations of our community life; repeated violations of the bonds proper to the Society; obstinate disobedience to the lawful instructions of Superiors in grave matters; grave scandal arising from the culpable behaviour of the member; obstinate attachment to, or diffusion of, teachings condemned by the Magisterium of the Church; public adherence to materialistic or atheistic ideologies; the unlawful absence mentioned in n. 163 of this Law, if it extends for a period of six months; other reasons of similar gravity. 2) Mode of procedure in such cases In the cases mentioned in B.1, above, if the Major Superior, having heard his Consultors, judges that the process of dismissal must be commenced, then: a) he is to collect or complete the evidence; b) he gives a first warning to the member, in writing, or before two witnesses, with the explicit caution that dismissal will follow unless the member reforms. The reasons for dismissal are to be clearly expressed and the member is to be given every opportunity for defence. If the warning has no effect, a second warning is to be given after an interval of at least fifteen days; c) if this second warning is also ineffectual, and the Major Superior and his Consultors judge that there is sufficient proof of incorrigibility, and that the defence of the member is insufficient, after fifteen days from the second warning have passed in vain, all the acts, signed by the Major Superior and the notary, are to be forwarded, together with the signed replies of the member, to the Rector General.
C.COMMUNICATION OF MEMBER WITH RECTOR GENERAL	In all the cases mentioned in A. and B. above, the member always retains the right to communicate with, and send replies in his own defence, directly to the Rector General.
DECREE OF DISMISSAL	1) Procedure The Rector General and his Consultors - for validity, five members must be present for such consultations (cf. n. 369) - proceed in collegial fashion in accurately weighing the evidence, the arguments and the defence. If by a secret vote it is decided to dismiss the member, a decree of dismissal is to be drawn up, which for validity must express at least in summary form the reasons in law and in fact. 2) Confirmation of the Holy See The decree of dismissal has no effect unless it is confirmed by the Holy See, to whom the decree and all the acts are to be forwarded. For validity the decree must indicate



WEB COPY

	<i>the right of the person dismissed to have recourse to the Holy See within ten days of receiving notification of the decree. The recourse has a suspensive effect.</i>
<i>E. DISMISSAL OF A MEMBER OF TEMPORARY CONSECRATION</i>	<i>The General Council may dismiss a member of temporary consecration for grave reasons in accordance with the norms of Canon Law (cf. canons 696 and 697)</i>
<i>F. IMMEDIATE EXPULSION AND SUBSEQUENT PROCESS</i>	<i>In a case of grave external scandal, or of extremely grave and imminent harm to the Society, a member can be expelled forthwith from a Local Community by the Major Superior. If there is danger in delaying, this can be done by the Local Superior with the consent of his Consultors. The Major Superior, if need be, is to introduce a process of dismissal in accordance with the norms of Law, or refer the matter to the Holy See.</i>

16.4. In this context, the following passage from Ecclesiastes is also relied upon, which states that there is a season and a time for every purpose under heaven:

a time to be born and a time to die;

a time to plant and a time to uproot;

a time to kill and a time to heal;

a time to break down and a time to build up;

a time to weep and a time to laugh; and

a time to mourn and a time to dance.

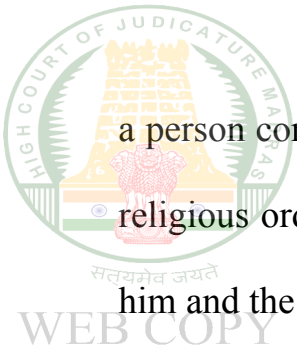
a time to cast away stones,

a time to gather stones together,

a time to embrace and

a time to refrain from embracing.

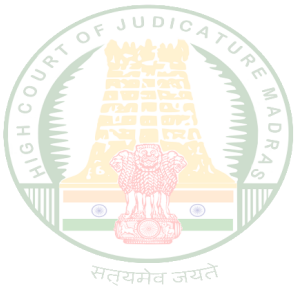
16.5. The aforesaid passage reflects the broader Biblical teaching concerning the different stages and purposes of human life. From the above, it is clear that once



a person consciously chooses a life of religious dedication, his conduct after entering religious order ought to be viewed in the context of the commitments undertaken by him and the religious purpose for which such dedication was made.

17. They said procedure were elaborated by Division Bench of Kerala High Court in the case of *Mother Superior, Adoration Convent vs. D.E.O reported in (1977)II LLJ 450 (Ker)* which reads as follows:

As a preliminary to the question arising for consideration it is necessary to describe the formalities that are gone through by a person who takes to the religious profession among the Catholics. Catholic Encyclopaedia, Vol. 12, page 287, describes what is meant by a religious life. It is described as a particular expression of the love of God through a following of Christ. It is approved by the Church as a public state of life by the profession of poverty chastity and obedience through public vows and by some form of separation from the world, practised for the sake and service of the world. Religious profession is an act by which a person embraces the religious state by taking the three public vows of poverty, chastity and obedience. This is really an agreement made with the religious order which, when accepted by the competent superior, creates a whole series of reciprocal rights and obligations between the religious order and the religious. Before a person is admitted into this order he or she is put on probation. "Postulantship" is intended to give the superiors an opportunity to observe the candidate and the candidate an opportunity of becoming acquainted with the general obligations of the religious life. After the period of this



WEB COPY

probation the candidate is admitted to the novitiate. Thereafter she is put to a canonical examination to nuke certain that she is acting with full knowledge of the case and with full liberty. If she gets through the examination she is required to take a temporary vow which is generally for a period of three years. During this period the superior will judge the fitness of the person to take the perpetual vow. After the expiry of the period of three years the religious shall either make his or her perpetual profession or he or she can return to the world. Before the perpetual vow is taken the professed must renounce in favour of the person whom he or she likes, all the properly which he or she actually possesses on condition however of hit solemn profession subsequently taking place. After the solemn profession is taken all property which may come to the religious in any manner whatsoever accrues to the order according to the Constitution and if the Order cannot acquire or own any property it becomes the property of the Holy See.

17.1. In this case, there is no dispute about the performance of the said procedure before entering to the religious order. The above sum and substances of religious order of the Society was accepted by claimants in the following words in their deposition:

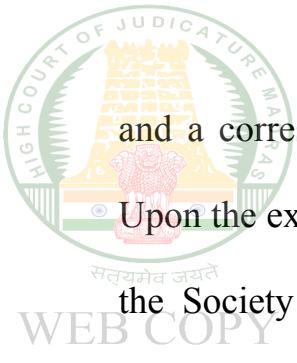
என் சகோதரர் தேவக்குமார் அருளானந்தம் என்பவர் ஒரு ரோமன்கத்தோலிக் சபையில் பாத்திரியார் என்றால் சரிதான். 1989 ல் இருந்த அந்த அவர் பாத்திரியாராக இருந்து வந்தார். திருமணம் சபையில் செய்துக்கொள்ளாதவர்கள்தான் அந்த சபையில் பாத்திரியாராக இருக்க முடியும் என்றால் சரிதான்.



பாதிரியாராக இருந்ததால்தான் அவர் திருமணம் செய்துக்கொள்ளவில்லை என்பதால் சரிதான். ஒருவர் பாதிரியாராக செல்கிறார் என்றால் அவர் குடும்பத்தை முழுமையாக விட்டு விட்டு, அந்த பணிக்கு செல்கிறார் என்றால் சரிதான். எனக்கும், என் சகோதரருக்கும் சகோதரர் என்ற உறவை தவிர, வேறு எந்தவகையான உறவும் இல்லை என்றால் சரிதான். கத்தோலிக்க சபையில் நான் உறுப்பினர்தான். அதனுடைய சட்டதிட்டங்கள் தெரியும் என்றால் சரிதான்.

17.2. In view of the aforesaid perpetual, or final perpetual, vow, the priest entered into the religious order, and such entry carried certain natural consequences within the religious framework. The first was an obligation of detachment from worldly wealth and a commitment to devote his life, labour and resources to the service of God, the Church and the mission of the religious institution.

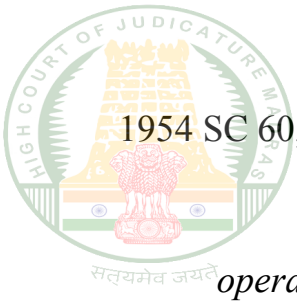
17.3. A life dedicated to God carries with it a parallel spiritual responsibility namely to place the service of God above personal desires, material interests, and worldly attachments. This may be regarded as one of the central principles governing a life dedicated to God. Personal interests, family interests, and financial interests must remain subordinate to one's dedication to God and to the requirements of righteousness. Secondly, properties acquired by the priest subsequent to his entry into the religious order could not, merely because the relevant title documents stood in his name, be treated as his personal estate in the beneficial sense in view above vows and the concept traditionally described, within the religious framework, as “death to the world” or “civil death” signifying a renunciation of worldly interests



and a corresponding detachment from personal ownership and enjoyment. Thus, Upon the execution of the exhibit P3, the priest had made an undertaking in favour of the Society in respect of the properties acquired by him after his entry into the religious order. Consequently, upon his death, the Society became entitled to those properties in accordance with the terms of the exhibit P3.

17.4. This Court shall, therefore, first consider the precedents dealing with the concept of “civil death”, the legal consequences attributed to entry into a religious order and the effect of religious vows, before determining whether those principles have any bearing upon the title to, or inheritance of, the properties and deposits in quest.

17.5. The concept of “civil death” arising from entry into a religious order has received judicial consideration in the context of both Hindu and Christian religious traditions. The Hon’ble Supreme Court, in *Sital Das v. Sant Ram*, reported in AIR 1954 SC 60, while considering the legal consequences of a person’s entry into the order of sannyas, observed that such entry is generally regarded as amounting to a civil death. Upon renunciation, the person becomes a member of the religious order and, in the spiritual scheme of that order, becomes the spiritual son of his Guru. His former natural family ceases to have the same legal and spiritual significance, the religious order becoming his new spiritual family and the relevant portion of the judgment of the Hon’ble supreme Court in *Sital Das v. Sant Ram*, reported in AIR



1954 SC 60, is extracted hereunder:

It is well known that entrance into a religious order generally operates as a civil death. The man who becomes an ascetic severs his connection with the members of his natural family and being adopted by his preceptor becomes, so to say, a spiritual son of the latter. The other disciples of his Guru are regarded as his brothers, while the co-disciples of his Guru are looked upon as unless and in this way a spiritual family is established on the analogy of a natural family.

17.6. Further, the Hon'ble Supreme Court in the case of **Krishna Singh v. Mathura Ahir**, reported in **A.I.R. 1982 S.C. 686** also reiterated the above principle and the relevant paragraph is as follows:

“In fact, this Court referred to the evidence of Sri Krishna Singh himself where he admitted that his father had become a Sadhu and had taken Sanyas. Thus, on his own showing Sri Krishna Singh's father had become a Sadhu and in the eye of law he died a civil death and, therefore, Sri Krishna Singh could not put forward any title to this property.”

17.7. The same underlying principle was also recognised by The Honourable Three Judges Bench of Supreme Court in the case of **Montfort Brothers of St. Gabriel & anr. Vs. United India Insurance Co. Ltd. & anr.** reported in **2014(1) TNMAC 272 (SC)** while dealing the entitlement of the christian society for death of the member brother of the said society in the road accident, has held that the member brother of the society renounced his relations with the natural family and all his earnings and belongings including insurance claims belong to the society., wherein



the entitlement of the Christian religious society to maintain a claim arising out of the accidental death of a member of the religious order was considered in the context of the renunciation of his former relationship with his natural family and the consequences flowing from his religious vocation.

17.8. The Division Bench of this Court in the case of ***R. Rev. Casmir Gnanadickam Archbishop of Madras, Mylapore*** reported in ***1998 (3) MLJ 501***. In the similar circumstance of the present case, issued the direction to the bank authorities to disburse the amount of parish priest to the society with clear pronouncement of law that society is entitled to get a succession certificate within the meaning of the Part V of the Indian Succession Act and anybody made a claim over the amount, they have right to file the suit to establish their claim. And the relevant paragraph as follows:

9. This being the correct position in law we are clearly of the opinion that it is certainly not necessary to go into the question of the applicability of Part V before issuance of a succession certificate. On the facts and circumstances of the case and on the averments contained in the application filed by the appellant we are satisfied that the appellant has a right to get a succession certificate within the meaning of Part V of the Act. If any other persons has any claim over the amounts mentioned in the schedule, it is always open to him/her to have the certificate revoked or file a suit to establish his or her claim. In this view of the matter, we are of the opinion that the certificate ought to have been issued to the appellant as prayed for.

10. The appeal is allowed and we direct issuance of a succession certificate to the appellant subject to the above conditions. There will be no order as to costs.

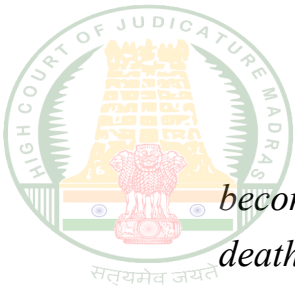


17.9. One of us, the Hon'ble Mr. Justice Anand Venkatesh, had an occasion to consider the same principle in an elaborate judgment in the case of ***Sruti Seva Trust v. SBI***, reported in ***2019 SCC OnLine Mad 39661***, examined the concept of religious renunciation with reference to Sital Das and the aforesaid decisions of the Kerala High Court, and explained the consequences flowing from the entry of a person into a religious order, particularly in relation to property acquired thereafter and the relevant paragraph is as follows:

5. Before going into the facts of this case, it will be necessary to deal with the legal issue that has arisen in this case. Admittedly, in this case, Swami- Baswarananda Saraswathi has assumed, the status of ascetic and therefore, legally it operates as a civil death. Useful reference can be made to the judgment of the Honourable Apex Court in Sitaldas Case referred to supra. The relevant portions of the judgment is extracted hereunder

20.....It is well know that entrance into a religious order generally operates as a civil death. The main who becomes an ascetic severs his connection with the members of his natural family and being adopted by his preceptor becomes so to say a spiritual son of the latter. The other disciples of his Guru are regarded as his brothers, while the co-disciples of his Guru are looked upon as unless and in this way a spiritual family is established on the analogy of a natural family.....”

6. In view of the above decisions, the head of the Mutt is entitled to maintain the Petition to seek compensation through not for loss of dependency but for loss to estate caused to the Mutt.”



WEB COPY

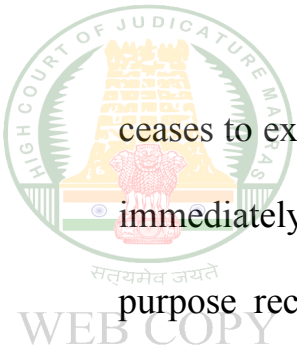
7. *It is clear from the above judgments that the moment a person becomes an ascetic and renounces the world, it will be treated as a civil death. Thereafter, he severs his connection with the members of his natural family and his disciples and other devotees become a part of the spiritual family.*

8. *In the present case, Swami Baswarananda Saraswathi was receiving offerings/donations as the head of the Trust. These offerings which were made in his name, was deposited in the Bank Account. Since Swami Baswarananda Saraswathi is an ascetic and has renounced the world, Law looks at it as a civil death. Therefore, there is no difficulty in transferring the entire amount that lies in his name in the Bank to the Trust. At least, this amount will be useful for the Trust to carry on. With its objectives.*

9. *In the considered view of this Court, the Court below ought not to have taken such a hyper-technical stand by denying the Trust from utilizing the amount, to run the Trust. If such permission is not granted, the money will lie waste in the Bank and it will be of no use to any one.*

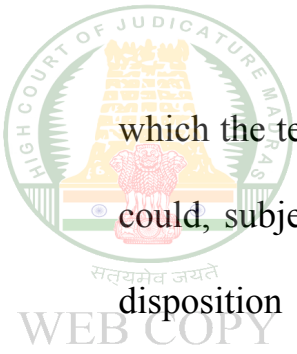
18. From the above precedents, this court recapitulates the following principles of the legal doctrine of civil death:

18.1. A priest who takes solemn religious vows and enters a religious order is, in the eyes of the Church, regarded as having undergone a “death to the world”, situation in the sense of a civil death. Such a religious renunciation is analogous, in its spiritual significance, to actual death, signifying a deliberate renunciation of worldly life and a severance from his former worldly relationships, attachments and interests. The expression “civil death”, when used in the context of religious renunciation, is not intended to mean that, upon entering a religious order, the person



ceases to exist as a juridical or natural person, becomes “dead” in the eye of civil law immediately upon entering a religious order and loses all civil rights for every purpose recognised by law. It is essentially referable to the religious or personal status of the individual, signifying renunciation of worldly life and severance, to the extent recognised by the applicable law and the rules of the religious order, from his former worldly relationships and interests. The concept of civil death or renunciation cannot, therefore, be retrospectively applied to the properties or proprietary rights which had accrued to him prior to his entry into the religious order.

18.2. The relevant distinction is between (i) pre-existing rights and property and (ii) property acquired or received after professing religious order under the obligations governing the religious order. The distinction between these two categories of property is crucial. If the deceased had any right, title or interest in the properties of his family which had accrued to him prior to his entry into the religious order, such pre-existing rights cannot be taken away merely on the ground that he subsequently chose religious life or took religious vows. When a man becomes 'professed in religion', his heir at once inherits from him any land that he has, and, if he has made a will, it takes effect at once as though he were naturally dead. If after this a kinsman of his dies intestate, leaving land which according to the ordinary rules of inheritance would descend to him, he is overlooked as though he were no longer in the land of the living; the inheritance misses him and passes to some more distant relatives. The rule is not that what descends to him belongs to the house of which he is an inmate; nothing descends to him for he is already dead. In respect of property in

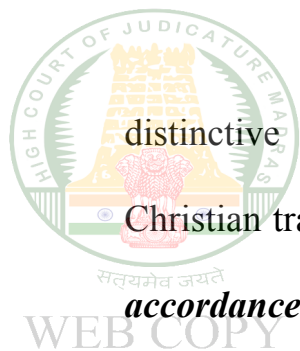


which the testator had acquired a pre-existing right of inheritance from his family, he could, subject to the governing law, deal with such right by making a testamentary disposition in accordance with his intention. Thus, he could bequeath or otherwise dedicate the property or the right inherited by him to the religious society. On the other hand, property acquired by him after entering religious life and finally taking the final vow cannot be treated as his individual property and such acquisitions were to be held for society and automatically vested in the society.

18.3. The man who becomes an ascetic severs his connection with the members of his natural family and being adopted by his preceptor becomes, so to say, a spiritual son of the latter. By becoming a member of the Holy Order he becomes a member of the family consisting of the religious society and other members of that Holy Order. After entering religious life, he holds the properties and interests acquired by him in a fiduciary capacity for the benefit of the Society to which he has consecrated his life.

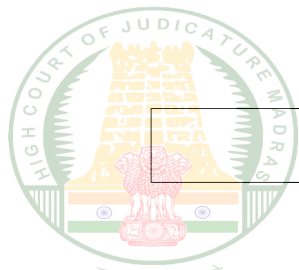
18.4. Even though the priest continued to be an Indian Christian as defined under Section 2(d) of the Indian Succession Act, because of his civil death by becoming a member of the Holy Order, the natural heirs mentioned in Sections 41 to 48 of the Indian Succession Act will not be his legal heirs so far as the property acquired by him after entering religious order.

18.5. The priesthood and the consecrated religious life have occupied a



distinctive and sacred place. The religious vocation is understood, within the Christian tradition, ***as a divine calling to dedicate one's life to Christ and to live in accordance with the spiritual***, moral and disciplinary obligations attached to that calling. Upon becoming a priest, he dedicates himself to religious service and acts as an instrument of Jesus Christ for serving the needy and to carry out religious duties. Entry into such a vocation is therefore not merely an institutional or professional choice; it entails a parallel commitment to renunciation, discipline, service and fidelity to the obligations undertaken before the Church. The teachings of Jesus Christ contain a clear emphasis on renunciation of worldly possessions, charity for the poor, and a life of discipleship. The Bible teaches that, upon entering religious life and consecrating himself to the service of God, the Priest no longer leads his life in the manner of an ordinary family man. The teaching of Jesus Christ makes this principle abundantly clear.

<i>In Matthew 19:21, Jesus tells the rich young man:</i>	<i>A similar teaching is found in Luke 12:33,</i>	<i>Acts 4:34–35 records:</i>
<i>“If you want to be perfect, go, sell your possessions and give to the poor, and you will have treasure in heaven. Then come, follow me.”</i>	<i>“where the disciples are exhorted to sell their possessions and give to the needy, thereby laying up treasure in heaven”.</i>	<i>“There were no needy persons among them. For from time to time those who owned land or houses sold them, brought the money from the sales and put it at the apostles’ feet, and it was distributed to anyone who</i>



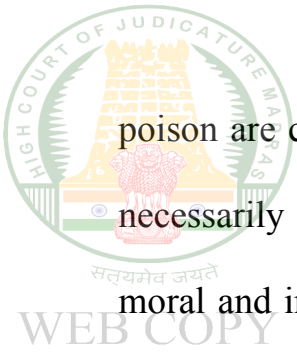
सत्यमेव जयते

WEB COPY

had need."

18.6. The practice of the early Christian community contemplated the voluntary sale of lands and houses and the placing of the proceeds at the apostles' feet for distribution according to the needs of the community and also reflects the principle of voluntarily surrendering one's possessions for the common good. At the same time, the contemporary Church has expressed concern, in various contexts, regarding the misuse of religious formation and the possibility that a sacred vocation may, in some cases, be approached as a means of securing material or social advantages. Concerns have been voiced that certain persons may enter religious institutions with the object of obtaining access to education, residential facilities, health care, social recognition or other material benefits, and thereafter abandon the religious life after deriving such advantages. Such conduct, where established on evidence, would necessarily raise questions concerning fidelity to the vows and obligations voluntarily undertaken upon entering the religious order. In the context of consecrated religious life, therefore, the question cannot be viewed merely as a dispute concerning an individual act or an isolated transaction.

18.7. A single drop of poison, when mixed with a vessel of water, is sufficient to render the entire contents unfit for consumption. Once mixed, its decantation is neither immediate nor easy; considerable time and appropriate measures may be required even to reduce or neutralise its effect. If, instead of taking steps to remove the poisonous element or to arrest its further intensification, successive drops of



poison are continuously added, the poisonous character of the entire contents would necessarily become progressively intensified. The same principle, as a matter of moral and institutional discipline, assumes significance in the present case. Where a person has voluntarily undertaken solemn religious vows and thereafter acts, or permits conduct to continue, in a manner inconsistent with those vows, the concern is not confined to an isolated or individual departure. If such departures are left uncorrected and are permitted to multiply, the resulting conduct may progressively dilute the very discipline, obligations and values which the vows are intended to preserve. Hence, this Court is cautious to observe that the metaphor of a “poisonous drop” is invoked only to illustrate the cumulative nature of the alleged departures, particularly where the teachings of Jesus Christ place clear emphasis upon the renunciation of worldly possessions, charity for the poor, and a life of discipleship.

18.8. On the basis of above legal, canon principles, society's law and biblical teaching, now this court dwells on merits of the case.

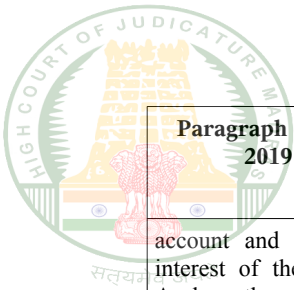
18.9. Admittedly, the deceased priest, Rev. Father Deivakumar Arulanantham, renounced his worldly life and became a priest on 15.05.1989. He was B.A. Graduate. He was supported and trained by the Society and, through the facilities and institutional support provided by the Society, he became a priest and obtained title as *a priest, a parish priest and* thereafter served at various places under the Society. From the records, it is seen that, at the time of he served as the parish father at Salem,



he suffered from illness and probably during that period, huge amount of Rs.56,00,000/- (Rupees Fifty Six Lakhs only) was deposited in the State Bank of India, Kulithalai Branch, Karur District on the same day namely 10.10.2017. In the said deposits, the name and address was mentioned as follows: “*Mr.Devakumar Arulanatham, ST Jude's Church, Steel Palnt Mohan Nagar, Salem - 636 030.*”

18.10.It is the case of the brother of the priest namely P.W.1 itself that after ordained as priest, he become great motivational speaker and used to perform motivational speeches at various platforms and thereby he earned not only good name and also income out of it. Utilizing the same, he purchased property in Bangalore in the year 2004 and he sold the same and deposited the proceeds in his name in State Bank of India, Kulithalai Branch, Karur District vide six fixed deposits to the tune of Rs.56,00,000/-(Rupees Fifty Six Lakhs only). He also admitted that there was no record available to show that he had contributed any amount either to purchase or deposits and the relevant portion of the evidence is as follows:

Paragraph (8) in the counter in S.O.P. No.30 of 2019 filed by brother of the priest	Evidence of the brother of the deceased priest namely A.Joseph
8. I respectfully state that my brother Fr.Devakumar Arulanatham was a great speaker who used to perform motivational speeches at various schools and colleges and many other platforms. Thereby he earned not only good name but also income out of it. Out of the same, he purchased a property at Krishnarajapuram, Bangalore on 05.04.2004 vide Doc.No.230/2004-05. Infact, I also contributed for the same to make out the deficiency. He sold the same to the various person on 22.06.2015 vide document numbers.4467, 4468 and 4470 of 2015-16 as such he deposited his sale consideration amount with the 4th respondent bank. Hence the deposits of my brother Fr.Devakumar Arulanatham are his individual property. We are the legal heirs of my deceased brother namely Fr.Devakumar Arulanatham as per Sec.44 of the Succession Act, 1925. Hence, we are entitled to get the amount available in the savings	எனது சகோதரர் தேவகுமார் அருளானந்தம் அவர்கள் சிறந்த பேச்சாளர் மற்றும் பள்ளி, கல்லூரி மற்றும் பல்வேறு இடங்களில் தனது சிறந்த ஊக்கப்படுத்தும் பேச்சுக்கள் மூலமாக சிறந்த பெயரையும் வருமானமும் ஈட்டினார். அதன் மூலமும் எனது உகவியுடனும் கர்நாடகா மாநிலம், பெங்களூரிலுள்ள கிருஷ்ணராஜபுரத்தில் பதிவு செய்யப்பட்ட விற்பனை ஆவணம் எண்.230/2004-05 மூலம் 05.04.2004ம் தேதி சொத்து வாங்கினார். அந்த ஆவணத்தின் சான்றிட்ட நகலினை எங்களது தரப்பு 13வது ஆவணமாக குறியீடு செய்ய வேண்டுகிறேன். எனது சகோதரர் கடந்த 22.06.2015-ம் தேதிய கிரைய ஆவணங்களான எனது 4467, 4468 மற்றும் 4470 மூலம் பல்வேறு நபர்களுக்கு விற்பனை செய்து அதன் மூலம் கிடைத்த தொகையினை எதிர்மனுதாரர் வங்கியில் 06 நிரந்தர வைப்புகளாக வைப்பிடு செய்துள்ளார். அந்த விற்பனை ஆவணங்களின் சான்றிட்ட நகல்களை எங்களது தரப்பு 14 முதல் 16 வரையிலான ஆவணங்களாக குறியீடு வேண்டுகிறேன். மேற்படி தனது தனிப்பட்ட சொத்தினை விற்பனை செய்து அதனை வங்கியில் வைப்பிடு செய்துள்ளார். ஆகவே அந்த வைப்புகள் எனது சகோதரரின் தனிப்பட்ட சொத்தாகும். ஆகவே எங்களது சகோதரரின் தனிப்பட்ட சொத்தில் அவரது வாரிசுகளான எங்களுக்கு முழு

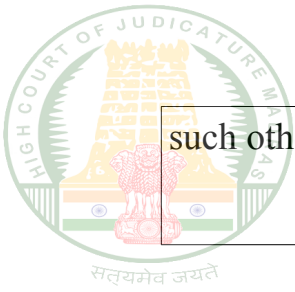


WEB

Paragraph (8) in the counter in S.O.P. No.30 of 2019 filed by brother of the priest	Evidence of the brother of the deceased priest namely A.Joseph
account and fixed deposit accounts with accrued interest of the above said deceased Fr.Devakumar Arulanantham from the 4th respondent bank. Hence the petitioner society herein is not entitled to receive any amounts from the fixed deposits of my brother deceased Fr.Devakumar Arulanantham with the 4th respondent bank.	உரிமை உள்ளது. ஆகவே மனுதாரர் ஞாழ்நைவல-க்கு எனது சகோதரர் எதிர்மனுதாரர் வங்கியில் வைத்துள்ள நிரந்தர வைப்பீட்டுத் தொகை கிடைக்கக்கூடியது இல்லை. சேலத்தில் புனிதஜாட் ஆலயத்தில் பங்குதந்தையாக இருந்தார் என்றால் சரிதான். என் சகோதரர் ஒரு சொத்து வாங்கியதாகவும், அந்த சொத்து வாங்கியதற்கு நான்தான் பணம் கொடுத்தேன் என்பதற்கு எந்த ஆதாரமும் தாக்கல் செய்யவில்லை என்றால் சரிதான். அந்த சொத்தை 2004 ல் வாங்கினார். அந்த சொத்தை 2015 ஜூன்-ல்தான் விற்றார். இந்த மனுவில் சம்மந்தப்பட்ட வங்கி வைப்பீடுகள் எப்போது செய்யப்பட்டது என்றால் 2015 ல்தான் செய்யப்பட்டது.

18.11.From the above discussion, without any evidence on the side of the family members of the priest that the amount was the priest's amount that he had in his possession before his entry in the religious order namely on 15.05.1989, the amount is to be legally treated as the society's amount as per section 88 of the Indian Trusts Act and the Canon Law. The same reads as follows:

Section 88 Advantage gained by fiduciary:	Canon 668 as follows:
Where a trustee, executor, partner, agent, director of a company, legal adviser, or other person bound in a fiduciary character to protect the interests of another person, by availing himself of his character, gains for himself any pecuniary advantage, or where any person so bound enters into any dealings under circumstances in which his own interests are, or an y be, adverse to those of such other person and thereby gains for himself a pecuniary advantage, he must hold for the benefit of	Whatever a religious priest (such as a Jesuit, Franciscan, or Dominican) acquires through his personal labor, on behalf of the institute, or via pension, grant, or insurance belongs to the religious institute (congregation), unless the institute's specific constitutions state otherwise. Futhermore, those who take solemn vows of total poverty completely lose the capacity to



such other person the advantage so gained.

personally own or acquire property.

WEB COPY

18.12. The disputed property was acquired only in 2004 and it was sold on 22-06-2015 and the sale proceeds thereof was deposited in the Kulithalai Bank on 10-10-2017 while he was serving in the church belonging to the society situated at salem. It is the case of the P.W.1 Joseph also that the priest has no contact with the family after his ordination on 15.05.1989. The deceased priest without mentioning his status as parish Priest, deposited the amount in his original name in the deposits as against solmen undertaking under Exp3, is nothing but disloyalty to the society, undermining the principle of "*honest discernment*". Further, in the considerable opinion of this court, he had committed breach of trust by acting against his religious vows made at the time of the entering into the religious order of the society on 15.05.1989 and he had no relationship with his family as PW1 admitted hereunder:

திருமணம் சபையில் செய்துக்கொள்ளாதவர்கள்தான் அந்த சபையில் பாதிரியாராக இருக்க முடியும் என்றாய் சரிதான். பாதிரியாராக இருந்ததால்தான் அவர் திருமணம் செய்துக்கொள்ளவில்லை என்றால் சரிதான். ஒருவர் பாதிரியாராக செல்கிறார் என்றால் அவர் குடும்பத்தை முழுமையாக விட்டு விட்டு, அந்த பணிக்கு செல்கிறார் என்றால் சரிதான். எனக்கும், என் சகோதரருக்கும் சகோதரர் என்ற உறவை தவிர, வேறு எந்தவகையான உறவும் இல்லை என்றால் சரிதான்.

என் சகோதரர் தேவக்குமார் அருளானந்தம் என்பவர் ஒரு ரோமன்கத்தோலிக் சபையில் பாதிரியார் என்றால் சரிதான். 1989 ல் இருந்த அந்த அவர் பாதிரியாராக இருந்து வந்தார். கத்தோலிக்க சபையில் நான் உறுப்பினர்தான். அதனுடைய சட்டதிட்டங்கள் தெரியும்



என்றால் சரிதான்.

18.13.As discussed above, as per the Canon Law and the rules incorporated in the bye-laws of the Society and the precedents. where property is acquired afterg priest, the propeoperty and the subsequent bank deposits

19.Priest's relatives namely natural heirs mentioned in the sections 41 to 48 of Indian Succession Act will not be his legal heirs so far as his deposits made long after the entry into the religious order. Therefore, the deceased priest was treated as family of the society and hence society is entitled for the recovery of the said amount from member the bank.

19.1.If a person, after voluntarily surrendering worldly attachments and dedicating himself to a life of religious service, and thereafter accumulate properties by reason of the position or privileges associated with that vocation and seek to divert the benefit thereof exclusively towards his own family, the conduct would necessarily invite scrutiny as to its compatibility with the very obligations which he had undertaken. The deeper principle involved is one of fidelity to the source from which one has received sustenance, dignity and opportunity. In the language of the ancient wisdom, one ought not to turn against the very house from which one has received nourishment. The maxim illuminates the moral dimension of fidelity and gratitude which may arise from a voluntarily assumed religious commitment.



20. The Christian Church traces its institutional origin to the first century AD, as it spread throughout the Roman world, gradually organized itself around the offices of bishops, presbyters and deacons. Over the succeeding centuries, it developed into a highly organized religious institution, by increasing formal structures governing ecclesiastical administration, education, discipline and the formation of its clergy. From its early beginnings as a minority community, Christianity eventually became a dominant religious institution in Europe and other parts of the Western world. In the Christian faith, the sacraments occupy a central place in the religious life of a believer. St. Augustine described *a sacrament as a visible sign of invisible grace*. The sacraments are understood as outward signs through which the believer is drawn closer to Christ and strengthened in faith.

20.1. Among the sacraments, Baptism assumes fundamental significance. Through Baptism, a person is received into the Christian faith and is called upon to renounce sin and to lead a life in accordance with the teachings of the Gospel. Confirmation marks a further stage in the spiritual life of the believer. Through Confirmation, the believer is understood to be strengthened in faith and called upon to bear active witness to Christian values. The imagery of a “soldier of Christ” signifies the commitment to live by faith and to bear witness to the teachings of Christ.

20.2. The Christian sacramental life thereafter encompasses the Holy Eucharist, Reconciliation, the Anointing of the Sick, Holy Orders and Matrimony. Holy Orders and Matrimony represent two distinct vocations within the Christian tradition,



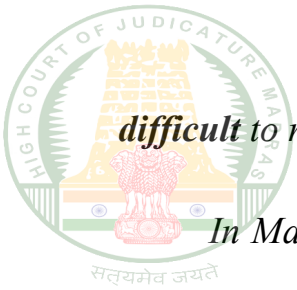
through which a person undertakes particular responsibilities and commitments in accordance with the respective calling.

WEB COPY

20.3. The significance of Baptism and Confirmation, therefore, extends beyond the mere performance of a religious ceremony. They embody a commitment to a life guided by the teachings of Christ, including love, compassion, forgiveness, humility, self-restraint and service to others. The teachings of Christ repeatedly emphasise the need to renounce greed and worldly attachment and to live with compassion and concern for one's fellow human beings.

21. This court on going through above biblical thoughts firmly holds that it is not only the obligation of priesthood to live away from greed, each true baptised Christian who takes confirmation oath subsequently as per the command of Bible and become Jesus followers. Jesus Christ Himself repeatedly warned against greed and the excessive accumulation of worldly wealth. The Biblical teaching treats greed as an impediment to follow the belief of christianity and emphasises that one's life does not consist in the abundance of possessions. In that sense, the pursuit of property for its own sake stands opposed to the Christian ideal of charity, renunciation and service to others.

The conduct attributed to the priest, as borne out by the materials placed before this Court, and equally, the conduct of the claimants in asserting claims which appear to be contrary to the solemn commitments undertaken by them upon baptism and confirmation and in the humble view of this Court, such conduct would be



difficult to reconcile with the following Biblical teaching :

In Matthew 6:24, it is stated that no person can serve two masters, for he will either hate the one and love the other, or he will be devoted to the one and despise the other. You cannot serve God and mammon. The passage concludes by stating that a person cannot serve both God and mammon. The said passage emphasizes the incompatibility between complete devotion to God and attachment to worldly wealth. The teaching of Christ that no person can serve both God and money admits of no institutional exception. The same principle is reinforced by the warning contained in the First Epistle to Timothy 6:10 that the love of money is a root of all kinds of evil, precisely among those who have been entrusted with spiritual office — a warning aimed not at the laity's ordinary economic life, but at those set apart for sanctuary and ministry. The teachings referred to above emphasise that a person who dedicates himself to religious life is expected to serve the poor, the needy and the community in the place of Jesus Christ and reflects the principle of renunciation and detachment from material possessions.

21.1. Similarly, in the teachings of John, when the people asked him how they should demonstrate true repentance, he emphasized the need for generosity and sharing with those in need. The instruction to a person possessing two tunics to share with one who had none indicates that possession beyond one's immediate needs ought to be shared with the needy. **His followers not to lay up treasures upon earth but to lay up treasures in heaven. Matthew 19:21; Luke 14:33)leave everything and**



follow Me”. Matthew 6:33 places the Kingdom of God and His righteousness above all other considerations.”

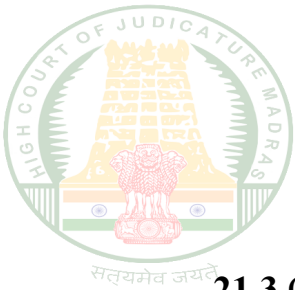
WEB COPY

21.2. Therefore, this Court considers the conduct of the parties not merely from the standpoint of their asserted proprietary rights, but also in the context of the religious commitments and obligations which, on the materials placed before this Court, both the priest and his relatives claimant had voluntarily undertaken. Such commitments cannot be treated as matters of mere form or as obligations capable of being invoked when convenient and disregarded when they operate against a claim to worldly property. Having regard to the solemn religious commitments undertaken by the parties, this Court has no hesitation in holding that the conduct in asserting proprietary claims contrary to those commitments is wholly inconsistent with the teachings of Jesus Christ and with the conscience and moral obligations of the Christian faith which they profess now.

21.2.1. Our constitution also requires such morality in the Article 26 which reads as:

26. Freedom to manage religious affairs – Subject to public order, “morality” and health, every religious denomination or any section thereof shall have the right -

- (a) to establish and maintain institutions for religious and charitable purposes;*
- (b) to manage its own affairs in matters of religion;*
- (c) to own and acquire movable and immovable property; and*



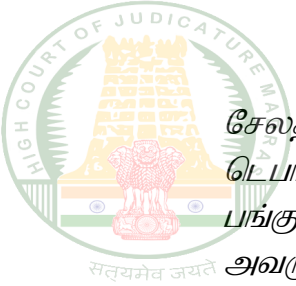
(d) to administer such property in accordance with law

21.3.Our Constitution demand and protect the purest form of priesthood.

WEB COPY

Christianity also demands the same by imposing the religious duties in the form of taking vows. *Morality or moral values are very much a part and parcel of the Indian constitutional scheme and goal, and the courts are supposed to interpret constitutional mandate keeping in view the moral values that informs the tenets of the Constitution. Christians follow the principles of morality expressed by Jesus' command to love God and one's neighbour, and rely on the ten Commandments and the Sermon on the mount for basic guidance. The Christian is transformed by god's love and is a new person, redeemed by Christ and restored to god.* Therefore, it is emphasised words "**subject to Morality**". The Hon'ble constitution bench of the Supreme Court in the case of ***B.R.Kapur v. State of T.N.***, reported in **(2001) 7 SCC 231**, has accepted theory of the positive morality of constitution and held that acting contrary to the taking oath could not be and would not be tolerated upon.

21.4.The Society alone met recurring cost of livelihood, day today activities of deceased priest right from priesthood training and after his entry into priesthood and also his medical expenditure during his last period of life to the tune of Rs.9,89,998/- and met the expenditure of Rs.1,50,000/- for his funeral rituals and also they alone performed the rituals in their church premises and also they had performed there first year ceremony also. The same was also clear from the following portion of evidence of P.W.1, brother of the deceased's priest:

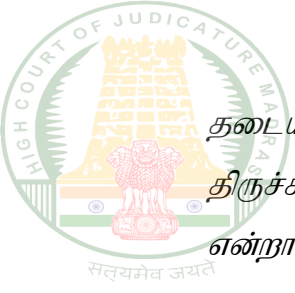


WEB COPY

சேலத்தில் வேவை செய்யும்போதுதான் குளித்தலை வங்கியில் டெபாசிட் செய்துள்ளார். சேலத்தில் புனிதஜட் ஆலயத்தில் பங்குதந்தையாக இருந்தார் என்றால் சரிதான். அங்கிருந்தபோதுதான் அவருக்கு உடல்நலம் பாதிக்கப்பட்டது என்றால் சரிதான். அந்த சபையின் தலைமையகம் பெங்களூர் என்றால் சரிதான். அப்போது அவருக்கு பெங்களூரில் உள்ள பிலோமினா மருத்துவமனையில் சிகிச்சை அளித்தார்கள் என்றால் சரிதான். அந்த மருத்துவசேலவுகளை சபையில் இருந்துதான் செய்தார்கள் என்றாலும், அதற்கான பில்கள் அவர்களிடம் உள்ளது என்றாலும் சரிதான்.

22. As the Biblical teaching conveys, upon entering the religious order and becoming a Roman Catholic priest, the deceased had completely renounced his worldly life and detached himself from the family and severed his relationship with his family members, whatever is acquired by a person in the course of his religious vocation is to be utilised for the institution and the religious purpose for which he has been called. Furthermore, The principles laid down in the aforesaid decisions lend support to the proposition. He became a follower and servant of Jesus Christ and discharged his duties as a representative of the Church and the assets acquired by him in the course of his religious service and the amounts derived therefrom were intended for the benefit of the religious institution and could not be treated as his personal or family property. Therefore, the properties and interests acquired by the Priest during his religious life are to be treated as belonging to the Society, and his relatives have no right or interest over the same. The same was admitted by P.W.1, brother of the deceased's priest in unambiguously in following manner:

கிறித்தவ மதத்தில் கத்தோலிக்க திருச்சபையை தவிர மற்ற திருச்சபைகளில் பாதிரியாராக செல்பவர்கள் திருமணம் செய்துக்கொள்வதற்கோ, பொருட்கள் சேர்ப்பதற்கோ எந்தவித



தடையும ' இல்லை என்றால் ' சரிதான். ஆனால் ' சுத்தோலிக்க
திருச்சபையில் பாதிரியாராக செல்பவர்கள் அவ்வாறு, செய்யமுடியாது
என்றால் சரிதான்.

பாதிரியாராக ஒருவர் மாறியபின்பு, அவர் வாங்கும் மற்றும் சொத்தை
விற்று கிடைக்கும் பணம் அனைத்தும் திருச்சபைக்கு சொந்தம் என்றால்
சரிதான்.

23. In view the above evidence, claim made by relative of deceased, in the considered opinion of this Court, is contrary to the fundamental religious principles and teachings of Christianity and is also inconsistent with the very purpose for which the Priest had surrendered his life to the Society.

24. As hold above, society has borne the cost during the formative years, education, upkeep, medical treatment, and funeral, which will make them understand that the funds built up during his tenure would go only to the society and thereby, they made unjust enrichment of society's funds. Therefore, this Court holds that the claim made by the brothers and sister's daughter of the Priest merely on the ground that they are the legal heirs of the deceased , after his demise, despite their being baptized Christians and despite their own admission that they had no right over the affairs of the Priest after he entered religious life, goes against the religious principles and obligations professed by Christianity and the Society and amounts to a breach of the moral and religious obligations expected of them.

25. In the said circumstances, this Court is not expected to allow the church to

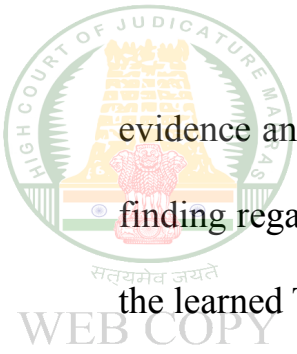


deprive their property by citing the reasoning of unenforceability of moral tenets of religions as held by the Hon'ble Supreme Court, in the case of Mr 'X' v. Hospital in 'Z' reported in 1998 (8) SCC 296, that the judges are not expected to sit as mute structures of clay in the hall, known as a court room, but they have to be sensitive and keep their fingers firmly upon the pulse of the accepted morality of the day.

26. In view of the above discussion, this Court finds that the learned Principal District Judge failed to properly appreciate the legal effect of the deceased's entry into the religious order, the source of the funds utilised for acquiring the property and the subsequent creation of the fixed deposits. Consequently, the finding rendered in S.O.P.No.06 of 2019 granting the succession certificate in favour of the respondents cannot be sustained. The said order is accordingly set aside and consequently the succession petition instituted by the Society in S.O.P.No.30 of 2019, insofar as it seeks recognition of its lawful entitlement to the fixed deposits in question, is allowed.

27. Discussion on conducting separate proceedings:

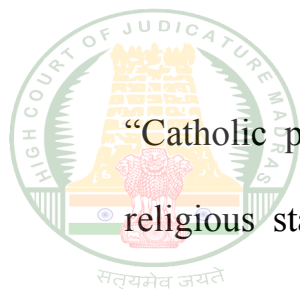
27.1. The learned trial Judge committed an error in conducting a simultaneous trial instead of a joint trial in S.O.P.Nos.06 and 30 of 2019. More particularly petitioners in S.O.P.No.06 of 2019 were arrayed as respondents in S.O.P.No.30 of 2019 and that the issues involved in both the proceedings were substantially interconnected. The learned trial Judge ought to have considered the pleadings,



evidence and documents in both proceedings together and rendered a comprehensive finding regarding the nature and ownership of the deposits. The approach adopted by the learned Trial Judge in the two successive proceedings is not correct.

28. Discussion on the precedent relied upon by learned counsel appearing for relatives:

28.1. This Court is not inclined to accept the submission of the learned counsel appearing for the relatives of the deceased, Mr.B.Sadiq Raja, who places heavy reliance upon the judgment of the Division Bench of the Kerala High Court reported in *2017 (2) KLT 1072, Xavier Kulichikal Catholic Priest case*, which was subsequently relied upon by a Hon'ble Judge of this Court in the proceedings in W.P. (MD) No.20536 of 2022. The said decision, in the considered view of this Court, is distinguishable both on facts and on the applicable legal principles. Firstly, the judgment of the Division Bench of the Kerala High Court makes a specific reference to the position of a '*diocesan priest*,' particularly in paragraph 13. However, there is no corresponding consideration in the said decision of the principles governing a priest who has entered a religious order and undertaken perpetual or final perpetual vows of '*Roman cathoetics priest*'. This distinction assumes significance in the present case. Under the relevant principles of Canon Law, a *diocesan priest* and *Roman cathoetics priest* a priest belonging to a religious order do not stand on the same footing insofar as the nature and legal consequences of their vows are concerned. The distinction, therefore, is not merely one of nomenclature between a



WEB COPY

“Catholic priest” and a “diocesan priest”, but one arising from the nature of the religious status undertaken by the individual, the vows assumed by him and the source and circumstances in which the property came to him. A diocesan priest does not, merely by becoming a priest, assume the same obligations relating to the renunciation of worldly possessions that arise upon entry into a religious order and the undertaking of the corresponding perpetual vows the same is clear from the following canons principle:

Religious-Order Priests:

Under Canon 668, §3, whatever a religious priest (such as a Jesuit, Franciscan, or Dominican) acquires through his personal labor, on behalf of the institute, or via pension, grant, or insurance belongs to the religious institute (congregation), unless the institute's specific constitutions state otherwise. Furthermore, those who take solemn vows of total poverty completely lose the capacity to personally own or acquire property (Canon 668, §5).

Diocesan Priests:

In contrast, secular or diocesan parish priests *do not take a vow of poverty* and are legally permitted under canon law to personally acquire, own, and inherit personal property, though they are urged to maintain a simple lifestyle (Canon 282) and any excess income from their office should ideally go toward the Church or charity (Canon 282, §2).



28.2. Secondly, the factual foundation of the decision relied upon by the learned counsel is materially different from the facts of the present case. In that case, after the priest had renounced the world and entered the religious order, his father subsequently executed a Will in his favour. The property in question thus came to the priest through inheritance or testamentary succession from his family. The said factual circumstance has a direct bearing upon the determination of the rights in the property. The present case stands on a fundamentally different footing. This Court has already made it clear that, *insofar as the properties acquired by the priest after his entry into the religious order, by reason of his office, service, personal occupation or other activities undertaken in his capacity as a priest of the religious society, are concerned, the beneficial interest therein cannot be treated as belonging to him personally merely because the title documents stand in his name. Such properties, having been acquired subsequent to his entry into the religious order and in the course of his religious vocation, are subject to the obligations undertaken by him and the governing principles of the religious institution.* The position would, however, be different in respect of properties which came to him by way of inheritance or intestate succession from his family members. In respect of such inherited properties, the Society cannot claim an independent interest merely by reason of his subsequent entry into the religious order. The principle that a religious institution may have an enforceable interest in property acquired by a priest in the course of his religious vocation is also supported by the decision of the Hon'ble Supreme Court in the three-Judge Bench decision reported in (2014) 3 SCC 394,



wherein the entitlement of the Society to claim compensation was recognised in the facts and circumstances of that case. The said decision lends further support to the proposition that the rights of the religious institution cannot be determined merely by reference to the name appearing in the title document, without examining the circumstances in which the property or the corresponding interest was acquired.

28.3. It is also relevant to notice that the Division Bench decision of the Kerala High Court relied upon by the learned counsel approved the ratio of the earlier decision of the learned Single Judge reported in 1990 (1) KLT 334. However, the said decision of the learned Single Judge was subsequently reversed by the Division Bench in 1998 (3) MLJ 501. Consequently, the proposition sought to be advanced by relying upon the line of authorities commencing from the said decision cannot be mechanically applied to the present case without examining the subsequent judicial development and, more importantly, the distinct factual and legal position of a priest who had entered a religious order.

28.4. In the present case, the evidence placed before this Court, including the evidence of the relative of the deceased examined on behalf of the petitioner, itself establishes the circumstances in which the deceased entered the religious order and continued thereafter as a priest and parish priest of the Society. The very status in which he acquired and dealt with the properties subsequent to such entry is therefore material. Once the distinction between a diocesan priest and a priest who has entered



a religious order is kept in view, the decision relied upon by the learned counsel cannot be treated as governing the present case.

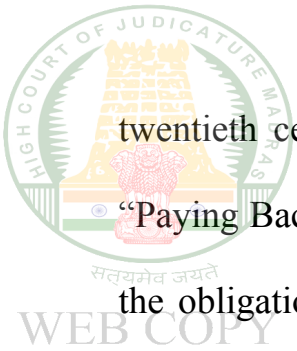
WEB COPY

29. For the foregoing reasons, this Court is not inclined to follow the subsequent Division Bench decision relied upon by the learned counsel for Mr.B. Sadiq Raja. The said decision is distinguishable both on facts and in law, particularly having regard to the distinction between a diocesan priest and a priest who has entered a religious order and undertaken the corresponding vows. This Court, having independently examined the religious principles governing such entry, the nature and effect of the vows undertaken by the deceased, and the circumstances in which the properties were acquired, holds that the Society is entitled to claim the properties acquired by the deceased after his entry into the religious order, subject, however, to the important distinction that properties which came to him independently by inheritance or intestate succession from his family cannot, merely on that account, be treated as properties of the Society. The decisive circumstance in the present case is that the properties in question were acquired after the deceased had entered the religious order and had assumed the status of a priest and, subsequently, a parish priest, under the Society. The legal consequence of such acquisition must therefore be determined in the light of the religious obligations undertaken by him and the institutional character in which those properties were acquired, rather than merely by the fact that the title documents stood in his individual name.



30. Discussion on restitution:

30.1. The principle of restitution is statutorily incorporated in Section 144 of the Code of Civil Procedure. Restitution is founded upon the principle that a party who has obtained an advantage under a decree or order which is subsequently reversed or modified cannot be permitted to retain the benefit of such decree or order. The object of restitution is, therefore, to restore the parties, as far as possible, to the position which they occupied before the erroneous decree or order operated upon their rights. The Hon'ble Supreme Court, in *Mahijibhai Mohanbhai Barot v. Patel Manibhai Gokalbhai*, reported in AIR 1965 SC 1477, while considering the nature and scope of restitution under Section 144 of the Code, recognised that an application for restitution is, in substance, an application for execution. The underlying principle is that what has been unjustly taken from one party by virtue of a decree subsequently found to be unsustainable must be restored to that party. The aforesaid principle has not merely a legal foundation but also finds expression in the broader principles of justice and morality. This Court, in the peculiar facts of the present case, is reminded of the moral injunction contained in the Ten Commandments, particularly the commandment, “You shall not steal.” The same moral tradition also cautions against the thoughtless invocation or misuse of the name of God. These injunctions, though belonging to the sphere of religious and moral law, emphasise a fundamental proposition of justice: “*no person can rightfully retain what belongs to another*”. The same ethical principle is eloquently reflected in the work “*Explanation of Catholic Morals by Rev. John H. Stapleton*”, first published in the early years of the



twentieth century. In the chapters dealing with “Restitution”, “Undoing the Wrong”, “Paying Back” and “Getting Rid of Ill-Gotten Goods”, the author treats restitution as the obligation to undo an injustice already committed and to restore to the rightful owner money or property unjustly acquired. The work emphasises that restitution is not merely an expression of regret for the wrong committed, but the positive act of repairing the consequence of that wrong. In particular, the author states that a person who has unjustly acquired the property of another is under an obligation to return the property or its value and that the burden of restitution continues so long as the injustice remains unremedied. The underlying thought is that one cannot legitimately profit from property which rightfully belongs to another. The said moral principle may aptly be expressed in the words: “Guilt is the object; restitution is its shadow.” Once an unjust deprivation is established, the restoration of the benefit wrongfully obtained is the natural consequence of undoing the wrong. This Court is not, however, applying the aforesaid religious or moral writings as a source of legal authority. They are referred to only to illustrate the universality of the underlying principle that no person ought to retain an unjust benefit obtained at the expense of another. The enforceable obligation in the present case flows from the law governing restitution and from the determination of the respective legal rights of the parties. A party who has received and retained a monetary benefit which, in law, belongs to another cannot be permitted to derive an advantage from such wrongful retention. The Court must, so far as possible, place the parties in the position in which they would have stood had the erroneous deprivation not occurred. Applying the aforesaid



principle to the facts of the present case, this Court finds that, during the pendency of the appeal, the amount which was legally due to the Society was appropriated and retained by the relative of the deceased priest. The said amount could not, in law, have been retained by the said relative once the Society's entitlement thereto was established. The consequence must necessarily be restitution.

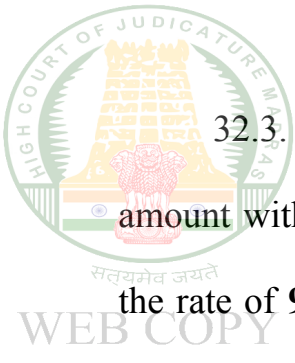
31. Conclusion:

31. Accordingly, the order dated 18.09.2024 passed in S.O.P.No.06 of 2019 is liable to be set aside. Consequently, the order dismissing S.O.P.No.30 of 2019 filed by the APVM Society is also liable to be set aside, and S.O.P.No.30 of 2019 is liable to be allowed.

32. Result:

32.1. Accordingly, C.M.A(MD).No.623 of 2026 is **allowed** and the order dated 18.09.2024 passed in S.O.P.No.6 of 2019 is set aside. C.M.A(MD).No.560 of 2026 is also **allowed** and the order dismissing S.O.P.No.30 of 2019 is set aside. S.O.P.No.30 of 2019 filed by the APVM Society stands allowed.

32.2. It is submitted that, during the pendency of these Civil Miscellaneous Appeals, respondents 1 to 3 had received the amount lying in the fixed deposits. In view of the finding rendered above, they are directed to remit the amount so received to the APVM Society within a period of one month from the date of receipt of a copy of this judgment, without interest.



32.3. In the event of failure on the part of respondents 1 to 3 to remit the said amount within the aforesaid period of one month, the amount shall carry interest at the rate of **9% per annum from the date of this judgment** until the date of actual payment.

32.4. The Civil Miscellaneous Appeals are accordingly allowed. There shall be no order as to costs. Consequently connected Civil Miscellaneous Petition are closed.

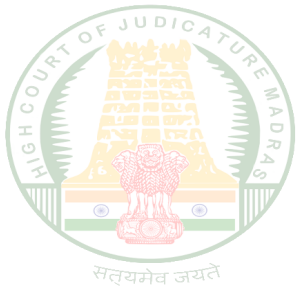
[N.A.V, J.] & [K.K.R.K,J.]

13.10.2026

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
sbm

To

1. The Principal District Court,
Karur.
2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



**N.ANAND VENKATESH, J.
and
K.K.RAMAKRISHNAN, J.**

sbn

**PRE-DELIVERY JUDGMENT made in
C.M.A.(MD).Nos.560 and 623 of 2026**

Dated:13.10.2026