

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 784 of 2015

1. Ravi P. Singh S/o Late Shri P . D. Singh, Aged About 55 Years Member / Secretary
Korba Manonite Mandali, Korba R/o Near Lovely Care School Agrasen Marg, Thana
City Kotwali, District Korba Chhattisgarh

---- Petitioner

Versus

1. Sant Masih S/o Late Shri T. Mashih, Aged About 70 Years R/o S.M. House No. 157/3
Ward No. 23, Active Member Of Nasarat Manonite Church Podibahar, Tahsil And
District Korba Chhattisgarh
2. Diken Prem Kishore, Bagh Sabhapati, Bhartiya General Menonite Calisiya, Jagdishpur,
District Mahsamund Chhattisgarh
3. Pastor, B. C. Nand Secretary Of General Confence, Bhartiya General Confence
(Conference) Menonite Kalisiya Jagdishpur, District Mahasamund Chhattisgarh
Presently R/o At Balco Township 893/a/sector 05, Balco Nagar, Korba, District Korba
Chhattisgarh

---- Respondents

For Petitioner.

: Shri Vinay Pandey, Advocate.

Order On Board

18/09/2015

Heard on admission.

1. This petition is directed against the order dated 10.09.2015, by which petitioner's application for deletion of his name as defendant has been rejected.
2. Learned counsel for the petitioner submits that pleadings and the reliefs of the claim in the suit do not concern the present petitioner in his capacity as Secretary Of Menonite Mandal Korba. He submits that the plaintiff has not prayed any specific relief on pleadings that he seeks to enforce rights against the petitioner, therefore, the petitioner is neither a necessary,

nor a proper party.

3. The pleadings and relief sought by the plaintiff in the plaint, shows that the plaintiff seeks to challenge a decision by which he has been declared ineligible to contest in any of the office of Churches which also includes the Church of Korba. The plaintiff has sought consequential relief also. The petitioner is Secretary, managing the affairs of Church at Korba. Therefore, it cannot be said that the decree, if ultimately passed in favour of the plaintiff can be executed without petitioner being a party. Any decree passed in the suit may affect the affairs and functioning Church of Korba and office the petitioner as Secretary, therefore, the impugned order does not suffer from any illegality or perversity or jurisdictional error.

4. Accordingly, the writ petition fails, and is hereby dismissed.

Sd/-

Manindra Mohan Shrivastava

Judge

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