

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.579 of 2017

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1. Sri Pradeep Kumar Jaiswal S/o Late Jagdish Prasad Resident of mohalla-
Station Road, Dumraon, P.S. and District-Buxar.

.... Appellant/s

Versus

1. Subodh C. Mandal, Ex Secretary And Constituent Attorney of Executive Board of Methodist Church in India Bishop House-17, Boulevard Road, (Nityanand Marg), Delhi-110054.
2. Mr. Manzar Masih, Manager, Simri Centre, Simri, P.O. Nagpura, District-Buxar, Bihar.
3. Dr. R.k. Singh, Medical Superintendent of Methodist Hospital, Pratap Sagar, Buxar, Bihar.
4. M.A. Daniel, Executive Secretary & Constituted Attorney, The Methodist Church in India, Methodist Centre, 21 YMCA Road, Mumbai Central-400008.
5. Bishop Philip S. Masih, Lucknow Episcopal Area, 37 Cantonment Road, Lucknow-228001 (U.P.)
6. Dr. S.W. Prasad, Executive Secretary, Lucknow Regional Executive Board, 37, Cantonment Road, Lucknow.
7. Dr. E.F. Rawat, Chairman Property & Building Committee (LRC), Lucknow Regional Executive Board, 37, Cantonment Road, Lucknow-226001 (U.P.)
8. Mr. M. Paul, Benevolence Treasurer (LRC) 37, Cantonment Road, Lucknow-226001 (U.P.)
9. Alfred Andrews, District Superintendent Methodist Church, Sahabad, Ara.
10. The Indian Church Trust, a Body Corporate, represented through John T. John S/o Late John Budha, Resident of Mission Compound, Aligarh, Road Hathras (U.P.) P.S. Hathras, District-Hathras.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Aditya Narayan Singh-1

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 18-08-2018

Heard learned counsel for the petitioner.

The petitioner has filed this Civil Miscellaneous application against the order dated 18.01.2017, by which the court



below allowed the intervention petition dated 4.07.2016 for being added as defendant to contest the suit.

Learned counsel for the petitioner submits that the petitioner filed a suit for specific performance of contract against the defendants who executed a deed of agreement. The defendant no. 1 is the secretary of Methodist Church. The executive Secretary of the Methodist Church executed a deed of agreement to sell the property in favour of the petitioner and the petitioner filed a suit for specific performance of contract to direct the defendants to perform their part and execute the sale deed during the pendency of the suit. The defendant No. 10 filed a petition under order-I Rule 10 of the C.P.C. to be impleaded as defendant in the suit stating therein that in view of the notification issued by Government of India on 23.03.1948, declaring that henceforth the Church and connected buildings attached thereto, would be taken care of by the Church authorities and, thereafter, all such Churches and connected buildings would be handed over to the Church Authorities, who would be responsible for the up-keep and maintenance of the Churches from 1.4.1948.

The Second Schedule of Indian Churches Act, 1927 includes the name of Holy Saviour Church of Ara under the heading B (Civil Churches) and in view of the provisions of the



Act, the Church of India/Indian Church and the authority to own, control, maintain, look after and take all necessary steps on behalf of the Church of India/Indian Church is the Indian Church Trustees, and none-else. The Methodist Church is not the real legal entity, who owns the Holy Saviour Church and any agreement executed by the Methodist Church is not binding on the intervener defendant, who is a necessary party.

Learned counsel for the petitioner submits that earlier to the suit, the Methodist Church filed C.W.J.C. No. 11458 of 2013 and C.W.J.C. No. 367 of 2009 and this Court held that the Methodist Church is the body who owns, controls and manages the property of Holy Saviour Church, Ara, but I find no force in the submission of learned counsel for the petitioner as the intervener respondent was not a party in the aforesaid writ petition. The intervener no. 10 made specific averment that in view of the notification issued on 23.03.1948, the Holy Saviour Church, Ara is annexed in Schedule-B and Indian Church Society is the body who owns, controls and manages such Churches mentioned in Schedule-B of the notification. The intervener was not made party in any litigation instituted by Methodist Church Society. Therefore, I find that the intervener respondent no. 10 is a necessary party and the learned Sub-Judge-14 has rightly



allowed the petition of the intervener as defendant in the case. Any finding recorded by the trial court in the impugned order shall not have any bearing in the final decisions of the suit. Accordingly, the civil miscellaneous application is dismissed.

(Prabhat Kumar Jha, J)

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