

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Civil Revision Petition No.4898 of 2018

ORDER:

The order dated 19.06.2018 in I.A.No.1482 of 2017 in SROP No.6 of 2017 passed by learned I Additional District Judge, Ongole, dismissing the petition filed by the petitioners to grant temporary injunction restraining the 1st respondent from officiating as Pastor for preaching from the Pulpit area of Jewett Memorial Baptist Church (JMB Church), Ongole pending main SROP No.6 of 2017 is challenged in this CRP.

2) Heard arguments of Sri G.R.Sudhakar, learned counsel for petitioners and Sri Vedula Srinivas, learned counsel for respondents.

3a) As can be seen, the fulcrum of contention of the petitioners challenging the appointment of the 1st respondent as Pastor of JMB Church is that the general body has no right to appoint 1st respondent as Pastor of JMB Church because certain conventions of Constitution to appoint as Pastor were totally given go-bye by the general body. It is contended that according to JMB Church Constitution, there shall be 13 standing committee members, out of which, 7 shall be Deacons and remaining 6 shall be general committee members. The Chairman, Secretary and the Treasurer shall be elected from these 13 standing committee members elected. According to clause (vi) (b) of the JMB Church Constitution, the procedure contemplated for appointment of Pastors is that the standing committee should constitute 3 member sub-

committee to identify a Pastor with necessary qualifications and shall recommend the name to the standing committee. The same shall be accepted by the standing committee with 3/4th majority and thereafter the name of the Pastor so appointed shall be announced in the next worship service and the subsequent general body meeting. The tenure/age limit for the Pastor is upto 70 years and he may continue further if he has cordial relation with the members of the Church.

b) It is further contended on behalf of the petitioners that 1st respondent is not eligible to be appointed as Pastor in view of prohibition contained in Holy Bible to the effect that the priest shall not marry a woman defiled by prostitution or divorced from her husband because priests are Holy to their God. However, the 1st respondent had a second marriage contrary to the said prohibition. It is further contended that general body has not achieved the 3/4th majority for appointment of 1st respondent. The standing committee comprises 13 members and to attain 3/4th majority, atleast 9 shall vote in favour of the 1st respondent. However, there was no such voting in his favour and so also, no sub-committee was constituted. It is alleged the appointment of 1st respondent was done for extraneous consideration at the behest of respondents 2 to 4 who failed to follow the procedure. The re-appointment of the 1st respondent is against the spirit of JMB church Constitution.

4) Per contra, the contention of the respondents is that in order to have a Pastor to run the JMB Church, respondents 2 to 4 by following

due procedure have appointed 1st respondent, who is eligible in all respects, as Pastor of the Church and there is no violation.

5) Be that it may, admittedly there were previous litigations between the 1st respondent on one hand and JMB Church on the other and this is 3rd or 4th round of litigation. The alleged violation of the procedure contemplated under JMB Church Constitution and the alleged disqualification of the 1st respondent to be appointed as Pastor of the Church are prime issues which are to be decided in the main OP. As such, in similar situation, the scheme of arrangement earlier made by this Court in its order dated 05.09.2011 in CRP No.3277 of 2011 can be safely adopted in the present case till main SROP No.6 of 2017 is decided by the trial Court.

6) In the result, this CRP is allowed and the impugned order is set aside and it is ordered that 1st respondent shall be entitled to function as Pastor of JMB Church, Ongole for all purposes except for preaching from the Pulpit area on Sundays. The petitioners shall not interfere with the functions of the 1st respondent in all other respects till disposal of SROP No.6 of 2017. No costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

Date: 11.12.2018
Murthy

U.DURGA PRASAD RAO, J