



O.P.No.229 of 2004

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C.V.KARTHIKEYAN, J.

This Original Petition has been filed taking advantage of Section 7 of the Charitable and Religious Trust Act – 14 of 1920, seeking a direction to appoint the 4th petitioner / Methodist Church in India Trust Association, a company incorporated under the Indian Companies Act, 1956 and represented by its Secretary / Director and having office at Balar Kalvi Nilayam, 5/6, Ritherdon Road, Vepary, Madras - 600 007, as the new trustee over the properties mentioned in the schedule – A to the petition, which are vested with the 1st petitioner / Executive Board of the Methodist Church in India, formerly known as the Executive Board of the Methodist Church in Southern Asia and having office at Mumbai and the properties described in the schedule – B which are vested with the 2nd petitioner / Women Foreign Mission Society of the Methodist Episcopal Church, a corporation incorporated under the laws of U.S.A having office at New York, U.S.A and with respect to the property described in schedule – C which are vested with the 3rd petitioner / World Division of the General Board of Global Ministries of the United Methodist Church, a corporation incorporated under the laws of U.S.A and having office at New York, U.S.A.



2.This Original Petition had been filed in the year 2004 and been circulating around for the past 18 years either stagnating in the almirah of the Original Side or being listed and de-listed again and again. It is also stated by the learned counsel that the records had been misplaced in the Registry and there was an order to re-construct the petition and reconstruction had been done taking much care to include all the properties as given in Schedules A, B and C. In view of these reasons, the matter is coming to a conclusion after nearly 18 years from its institution.

3.When the matter came up on 29.09.2022 before this Court, it had been observed that PW-1 who had been examined was the Executive Secretary and constituted Attorney of the 1st petitioner and was the Power of Attorney of the 2nd and 3rd petitioners and was also the Secretary -cum-Director of the 4th petitioner. It was observed that the witness, in effect, was tendering evidence of handing over properties mentioned in Schedules A, B and C from himself, to himself. This was found telling and it was therefore directed that an independent witness should be further examined.

4.Accordingly, PW-2 was examined. He is the Bishop of Chennai Regional Conference of the Methodist Church in India and the present



President of Council of Bishops. He also stated that he is one of the

Directors of the 4th petitioner. In effect, the properties as mentioned in the schedules A, B and C would be vested with the 4th petitioner and PW-2, as one of the Directors of the 4th petitioner, will have a responsibility to ensure that the properties are administered, keeping in mind not only the objects of the 4th petitioner, but also of the 1st, 2nd and 3rd petitioners. I am confident and I trust and hope that the objects would be respected and maintained by everybody concerned in view of the fact that substantial number of properties are given in the schedule to the petition.

5. In the petition, it had been stated that as part of extension of their missionary work about 150 years back, missionaries from U.S.A who proclaimed and followed the Methodist Episcopal Church came to India. Several missionaries and teams of missionaries were sent to this Country. They had established churches at different parts to the country and to so establish churches and also to further their object to run institutions like schools and colleges, they had also acquired substantial properties across the length and breadth of this country. The church was known as the Methodist Church in Southern Asia and the Methodist Episcopal Church in Southern Asia. They were Protestants and to signify that fact the Church was



subsequently called the Methodist Protestant Church and finally, to retain their original identity, they were called as United Methodist Church in USA.

They run several educational institutions, and also run hospitals and also necessarily have land and building for the residential purposes of everybody employed under them. The properties were purchased, properties were transferred and properties were sold and more importantly further properties were again purchased.

6.The name was also changed as Methodist Church in Southern Asia and Executive Board of the Methodist Church in India from 25.03.1982. This naturally meant that from being an organization which concentrated on the southern part of this country, they also expanded by purchasing properties in other States of this country. The properties purchased stood in the names of 1st, 2nd and 3rd petitioners. The objects of the 1st petitioner specifically included, the object to purchase properties and also to sell properties belonging to the Methodist Episcopal Church of Southern Asia to anybody concerned with the said church including the Board of Mission and the Women's Division Christian's Service.



7. The 2nd petitioner is the Women Foreign Mission Society of the Methodist Episcopal Church and they have been registered as separate entity.

They came under the wings of the 1st petitioner. They also purchased properties and those properties were described in Schedule B to the petition.

8. I must point out that the 1st petitioner is the owner of the properties mentioned in schedule A and schedule A has a list of 1030 properties. The 2nd petitioners is the owner of the properties given in schedule B and the 2nd petitioner is the owner of 45 properties. Over a period of time, the 3rd petitioner came to be incorporated under the laws of the State of New York, U.S.A and they started acquiring properties in this country and the properties which they had acquired had been given in schedule C and they had acquired 11 such properties.

9. By this petition, since the 4th petitioner had been subsequently incorporated as an independent company under the Indian Companies Act, to consolidate the holdings, the 1st, 2nd and 3rd petitioners have decided to transfer the properties in their names to the 4th petitioner. The 4th petitioner had independently purchased properties and by this resolution passed by the 1st, 2nd and 3rd petitioners, they would also become the holders or owners of the properties mentioned in schedules A, B and C.



10. The 2nd and 3rd petitioners had expressed desire since, their companies were incorporated in U.S.A that their properties which had been acquired either by them or by their predecessor in interest should be transferred to the Methodist Church in India or the Methodist Church in India Trust Association, which is the 4th petitioner.

11. The Executive Board of the 1st petitioner in their meeting held on 07th -15th of January 1981 had also decided to hold the properties in their name, till the completion of the process of transferring the properties to the trust.

12. It had also been stated that in the general conference of the Methodist Church in India, the PW-1, Newton Manilal Parmar, had been elected as General Secretary and became the Executive Secretary of the 1st petitioner. He was also the General Secretary of the 4th petitioner and he also became the Secretary cum Director of the 4th petitioner.

13. After following due procedure, PW-1, Newton Manilal Parmar had tendered his evidence and he marked Exs.P1 to P12. Exs.P1 to P2 were the Certificate of Registration and the Articles of Association of the 1st petitioner. Ex.P3 was the Certificate of Incorporation of the 4th petitioner. Ex.P5 was the Memorandum and Articles of Association of the 4th petitioner. The Minutes of Meeting held from 7th to 15th of January 1981 had



been marked as Ex.P8. The Minutes of Meeting held between 8th to 12th of November 1984 had been marked as Ex.P9. The Minutes of Meeting held on 20.01.1990 had been marked as Ex.P10. The extract of the resolution dated 13.05.2022 was marked as Ex.P12 and the original Book of Discipline was marked as Ex.P11. Ex.P11, also has a separate Division relating to Church property and there are specific clauses relating to Trusteeship of Church property, Trust Association and Disposal, Sale and other use of Church property and also general provisions relating to Church property.

14.After this Court had expressed that it would only be advantageous to the petitioner that the 2nd witness should be examined, PW-2, Bishop, E.D.Yesurathnam, Chennai Regional Conference of the Methodist Church in India, was examined and he marked the copies of the paper publication as Ex.P13.

15.In view of the fact that the petitioners have taken a conscious decision to transfer the properties of the 1st, 2nd and 3rd petitioners to the 4th petitioner and necessary evidence in that regard had been produced, the Original Petition stands allowed.

03.11.2022

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