

Iresh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**APPEAL FROM ORDER NO. 268 OF 2025
WITH
INTERIM APPLICATION NO. 7871 OF 2025
IN
APPEAL FROM ORDER NO. 268 OF 2025**

Bishop N. L. Karkare Secretary and anrAppellants

Vs.

The Methodist Church in India and orsRespondents

**WITH
INTERIM APPLICATION ST NO. 13789 OF 2025
IN
APPEAL FROM ORDER NO. 268 OF 2025**

Stanley Cecil Macaden Dir. BaptistApplicant
Hospital (Retd) and ors

IRESH
MASHAL

IN THE MATTER BETWEEN

Bishop N. L. Karkare Secretary and anrAppellants

Vs.

The Methodist Church in India and orsRespondents

Mr. Vineet Naik a/w Mr. Mayur Khandeparkar a/w Mr. Yashodhan Divekar a/w Aneesa Cheema a/w Mr. Arjun Divekar i/b Divekar and Co. for the appellants

Mr. P. G. Sabnis with Mr. Niranjana for applicants in IAST 13789/2025
Mr. Surel Shah a/w Mr. Sahil Mahajan, Mr. Saurabh Godbole for respondent nos. 1 to 4.

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CORAM : GAURI GODSE, J.

DATE : 5th MAY 2025

ORDER:

INTERIM APPLICATION NO. 7871 OF 2025:

1. The affidavit-in-rejoinder on behalf of the appellants is taken on record.

2. The appeal is preferred by the plaintiffs to challenge the refusal to grant ad-interim relief in the notice of motion filed in the pending suit in the City Civil Court. Considering the rival contentions of the parties on the interpretation of the relevant rules of the Book of Discipline, the appeal was admitted as it raised arguable points. Since the notice of motion is still pending before the City Civil Court and there is no reply filed on behalf of the defendants, the ad-interim relief was granted by this Court by recording the following reasons as recorded in paragraph nos. 14 to 17 of the order dated 5th March 2025.

“14. Considering the nature of the Circular and the contentions raised on behalf of the appellants regarding their continuance as Bishops in terms of paragraph 387 of the Book of Discipline, at this stage, it cannot be said that the charge is taken over. The appellants have therefore, made out a prima facie case in their favour.

Hence, during the pendency of the application, there will be ad-interim relief in terms of prayer clause (a).

15. Notice of motion of the appellants is still pending before the City Civil Court. There is no reply filed on behalf of respondents. Hence, at this stage, I do not find it appropriate to record any further reasons on the rival contentions of the parties. The respondents are at liberty to file their reply in the notice of motion before the City Civil Court.

16. Admission of this appeal and grant of ad-interim relief should not be construed as a stay to the further proceedings before the City Civil Court. The concerned Judge of the City Civil Court shall proceed with the suit including hearing of the notice of motion.

17. All the rival contentions of the parties on the notice of motion are kept open and the parties are at liberty to file their respective pleadings in the suit and the notice of motion.”

3. Being aggrieved by the aforesaid order, the defendants filed the Special Leave Petition before the Hon’ble Apex Court. The SLP is disposed of by order dated 7th April 2025. It appears that it was contended on behalf of the defendants that the General Conference had already been proposed. Hence, the Hon’ble Apex Court directed

the parties to maintain the status quo as on 7th April 2025, and further clarification is granted that the proposed General Conference shall go on, but the decision shall not be given effect to until this Court passes further orders. Thus, the Hon'ble Apex Court directed that appropriate orders be passed in the interim application. Hence, the interim application is taken up for final disposal.

4. Learned senior counsel for the appellants referred to the relevant rules of the Book of Discipline. Para 387 of the original Book of Discipline reads as under:

“387. Art II Retirement.

A Bishop shall retire on his 70th birthday.

In the event of his 70th birthday falling any time within the Quadrennium he shall be continued in the office as an active Bishop till the first day of Regular Session of the General Conference of the Quadrennium.”

5. Learned senior counsel for the appellants submits that the plaintiffs had filed a petition before the Judicial Council, which took the Decision No. 662 interpreting para 387. He submits that as per the judicial decision, para 387 was interpreted to read as under:

“A Bishop shall retire on his 70th birthday. In the event of

his 70th birthday falling anytime within the Quadrennium, he shall be continued in the office till the end of the Quadrennium as an active Bishop.”

6. He submits that the Executive Council issued a Circular Resolution dated 31st January 2025 under para 570 Article VI of the Book of Discipline for the purpose of declaring the decision of the Judicial Council as unconstitutional. He submits that this Circular Resolution dated 31st January 2025 is challenged by the plaintiffs in the suit before the City Civil Court. He submits that, according to Decision No. 662 of the Judicial Council, in the event a Bishop retires on his 70th birthday and if the birthday falls within the Quadrennium, he continues in the office till the end of the Quadrennium. He, thus, submits that the 10th Regular Conference was adjourned on 23rd July 2023. He refers to the adjournment motion, which is annexed on page 82 of the appeal compilation. He submits that since the General Conference was adjourned, in view of para 387 as interpreted by the Judicial Council, the plaintiffs continued as active Bishops. He submits that the decision of the Judicial Council is binding on the Executive Council in view of para 1214 read with para 1201 of the Book of Discipline. Para 1201 and 1214 read as under:

“1201. System of Judiciary.

The Methodist Church in India shall have the following judicial system:

- 1. The Judicial Council at the General Conference level;*
- 2. The Regional Court at the Regional Conference level;*
- 3. The Committee on Conciliation, Peace and Discipline at the District Conference and the Pastorate Conference levels.*

All the members of the Church, its officers, councils, commissions, boards, committees and institutions shall be subject to the jurisdiction of the judicial system of the Church.

1214. Art. XIII. Judicial Council's Decision as Final and Binding

- 1. The Judicial Council shall elect by simple majority the following officers from among its members at a meeting convened by the member elected with the highest number of votes, immediately after the adjournment of the General Conference or during its session if the election of all the members has been completed.”*

7. Learned senior counsel further submits that the procedure for approval of Circular Resolution is provided in para 570 of the Book of Discipline. He submits that there are three stages for confirming the

Circular Resolution. He submits that after the Circular Resolution dated 31st January 2025, a meeting was to be held on 22nd February 2025. He, however, submits that by way of ad-interim relief granted by this Court, the effect, operation and implementation of the Resolution dated 31st January 2025 confirmed or validated in the meeting dated 22nd January 2025 was stayed. He, therefore, submits that the judicial Decision No. 662 is binding upon the Executive Council. He further submits that the said fact is also confirmed by the respondents in paragraph 24 of their affidavit-in-reply filed in this interim application. He, therefore, submits that without confirmation or ratification of the Circular Resolution as provided in clause 3 of para 570 of the Book of Discipline, the Decision No. 662 by the Judicial Council holds the field and thus, is binding on the Executive Council.

8. Learned senior counsel further points out that the public notice issued by the General Secretary of the Methodist Church in India is for the purpose of holding a special session of the General Conference of the Methodist Church. He submits that the said public notice was never published in the local newspapers or served upon the members. He submits that as stated in the reply filed in the present application, the respondents claim to have conducted a special session of the

General Conference between 28th April 2025 and 4th May 2025. He further submits that in view of non-compliance with clause 3 of Article 570, the Decision No. 662 of the Judicial Council would be binding upon the Executive Council and thus, the plaintiffs would continue as active Bishops in view of para 387 of the Book of Discipline as interpreted in Decision No. 662 of the Judicial Council.

9. Learned senior counsel for the appellants, thus, submits that Decision No. 662 is sought to be declared as null and void pursuant to Circular Resolution dated 31st January 2025. He submits that the Circular Resolution is challenged by the plaintiffs in a substantive suit before the City Civil Court. He submits that the notice of motion seeking interim relief is still pending before the City Civil Court. However, the respondents have not yet filed any reply to the notice of motion. He, thus, submits that the plaintiffs would be entitled to ad-interim protection as prayed for during the pendency of the notice of motion before the City Civil Court.

10. Learned senior counsel for the defendants/respondents submits that the Circular Resolution was not approved or ratified in the meeting of 22nd February 2025. He submits that the Circular Resolution, which is impugned in the suit, is in compliance with clause 2 of para 570 of

the Book of Discipline. He submits that the resolution was circulated and approved by 2/3rd majority, which is recorded by the Executive Secretary of the Executive Council on 1st February 2025. He, therefore, submits that the Circular Resolution dated 31st January 2025 is in compliance as provided under clauses 1 and 2 of para 570. He submits that clause 3 of para 570 requires compliance at the next regular meeting as contemplated under clause 3 of para 570. However, the General Conference held between 28th April 2025 to 4th May 2025, pursuant to the public notice dated 26th February 2025, judicial Decision No. 662 is declared as null and void by the General Conference. He submits that, pursuant to the declaration made in the General Conference, a decision was taken on 3rd May 2025 to appoint new Bishops and assign areas. Learned senior counsel for the respondents has placed on record an unsigned decision dated 3rd May 2025 to support his submissions. The unsigned decision dated 3rd May 2025 is taken on record.

11. Learned senior counsel for the respondents, therefore, submits that the General Conference, which is a supreme authority, has declared judicial Decision No. 662, relied upon by the plaintiffs, as null and void. He, therefore, submits that the original para 387, as

amended in 2014, holds the field. Learned senior counsel for the respondents placed on record supplement to the Book of Discipline. He, thus, submits that relevant paragraph 387, which holds the field, provides that in the event any Bishop attains the age of retirement on his 70th birthday, he shall continue in the office as active Bishop only till the first day of the regular session of the General Conference. He, therefore, submits that in view of the special session of the 10th General Conference held between 28th April 2025 to 4th May 2025, new Bishops are already appointed. He, therefore, submits that the suit filed by the plaintiffs to challenge the Circular Resolution dated 31st January 2025 is rendered infructuous. He, therefore, submits that in the suit which is rendered infructuous due to the subsequent developments, the plaintiffs would not be entitled to any interim relief. He, therefore, submits that there is no question to confirm the ad-interim relief granted by this Court.

12. I have perused the papers of the appeal and the relevant provisions of the Book of Discipline and the supplement to the Book of Discipline. In view of the aforesaid submissions made on behalf of both the parties, the controversy in the suit relates to the applicability of para 387 as amended in 2014 and the judicial Decision No. 662

interpreting the amended para 387. The relevant paragraphs of the powers of the Judicial Council, as reproduced above, are in para 1214 read with para 1201. Para 1201 provides for the system of judiciary, and it provides that all the members of the Church, its officers, councils, commissions, boards, committees and institutions shall be subject to the jurisdiction of the judicial system of the Church. Para 1214 provides for the binding effect of the Judicial Council's decision. Para 1214 says that the decisions of the Judicial Council shall be final and binding on all the members and bodies of the Church. Thus, on plain reading of the provisions of para 1214 read with 1201, prima facie I am of the opinion that the decision of the Judicial Council shall be binding upon the Executive Council. The relevant para 570 of the Book of Discipline for passing a Circular Resolution provides for three stages. The first stage in the matters of urgency provides for a Circular Resolution with the permission of the Chairman to the members entitled to vote. The second stage is approval by 2/3rd majority of the Circular Resolution. The third stage is of such a Circular Resolution to be recorded and confirmed at the next regular meeting. Thus, in view of the three stages provided in the said para 570, the Circular Resolution would come into effect only after compliance with all three

stages.

13. From the aforesaid submissions made on behalf of the parties, I do not find any material placed on record to indicate that the first stage as contemplated in clause 1 of para 570 was complied with. The impugned Circular Resolution dated 31st January 2025, prima facie, appears to be at the stage for approval by a 2/3rd majority. The Circular Resolution dated 31st January 2025 does not record compliance of clause 1 of para 570. The Circular Resolution is signed as proposed on 1st January 2025 and seconded on 31st October 2025.

14. The defendants relied upon a letter dated 1st February 2025, signed by the Executive Secretary, Executive Council, Joint Secretary, Methodist Church in India, to contend that clause 2 of para 570 was complied with upon receiving 2/3rd majority votes. A perusal of the letter dated 1st February 2025 does not indicate that compliance as contemplated in clause 1 and clause 2 of para 570 is made for the purpose of declaring the judicial decision as null and void. As for the third stage, there is no dispute that a regular meeting of the General Conference is not held. The defendants claim that a special session of the General Conference was held pursuant to public notice dated 26th February 2025. The decision to hold the special session of the General

Conference is contended to have been given in the special emergent meeting of the Executive Council and the Methodist Church in India held on 22nd February 2025.

15. A decision to hold a special session of the General Conference is annexed as Exhibit 'R3' to the reply filed by the respondents. A perusal of the decision indicates that the following resolution was passed;

“BE IT FURTHER RESOLVED that the General Secretary of the General Conference/Executive Secretary of the Executive Council of the Methodist Church in India is authorized to publish the notification in the official organ i.e. the Indian Witness of the Methodist Church in India and local newspapers for holding the Special Session of the 10th Regular Session of the General Conference of the Methodist Church in India on the above mentioned dates and place.”

16. A perusal of the aforesaid resolution clearly indicates that the decision was taken to publish the notification selecting the proposed additional dates for holding the General Conference by publishing the notice in the Indian Witness of the Methodist Church in India and local

newspapers. The respondents have relied upon the publication of the notice dated 26th February 2025, as claimed to have been published in the Indian Witness Journal. The reply filed on behalf of the respondents is bereft of any explanation or any statement as to whether public notice was published in the local newspapers as per the decision taken on 22nd February 2025.

17. Thus, considering the aforesaid relevant provisions of the Book of Discipline and the manner in which the proceedings were initiated by the Executive Council, prima facie, compliance as required under the Book of Discipline for following the procedure prescribed in para 570 does not appear to have been complied with by the Executive Council. Hence, Decision No. 662 of the Judicial Council would hold the field at present. Thus, in view of the interpretation by the judicial Decision No. 662, the Bishops who attained the age of retirement would continue as active Bishops till the end of the Quadrennium. Hence, for the reasons stated above, the ad-interim relief granted on 5th March 2025 shall continue to operate as the interim relief during the pendency of the appeal.

18. Interim Application is therefore, allowed in terms of prayer clause (a) which reads as under:

“a) Pending the hearing and final disposal of the Appeal, the effect, operation and implementation of the Circular Resolution dated 31st January 2025 (Exhibit E to the Plaintiff) and any Resolution passed in meeting dated 22nd February 2025 confirming or validating or recording the Circular Resolution dated 31st January 2025, be stayed.”

19. Needless to clarify that the ad-interim relief granted by this Court is not set aside by the Hon'ble Apex Court vide order dated 7th April 2025. Hence, as directed by the Hon'ble Apex Court, there shall also be an order of status-quo between the parties and any decision taken in the special session of the General Conference held between 28th April 2025 to 4th May 2025 shall not be given effect to for the plaintiffs and shall not be binding upon the plaintiffs during the pendency of this appeal.

20. At this stage, learned counsel for respondents placed on record a copy of the signed decision dated 3rd May 2025. Both the unsigned and signed decisions are taken on record.

21. Needless to clarify that in view of the reasons recorded above, the suit shall not become infructuous in view of the subsequent

decisions. Hence, the plaintiffs would be at liberty to file an appropriate application for amending the suit to challenge the subsequent decisions.

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22. At this stage, learned counsel appearing for the intervener submits that he has filed this intervention application.

23. The intervention application shall be heard along with the appeal.

24. A copy of the Book of Discipline and the supplement to the Book of Discipline tendered by the parties are taken on record.

[GAURI GODSE, J.]