

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.268 OF 2025

Bishop N. L. Karkare Secretary and Anr. .. Appellants
Versus
The Methodist Church In India and Ors. .. Respondents

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

Stanley Cecil Macaden and Ors. .. Applicants
IN THE MATTER BETWEEN:
Bishop N. L. Karkare Secretary and Anr. .. Appellant
Versus
The Methodist Church In India and Ors. .. Respondents

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- Mr. Vineet Naik, Senior Advocate a/w. Ms. Aneesa Cheema, Mr. Yashodhan Divekar and Rettam Joshi, Advocates i/by Divekar and Co. for Appellants.
 - Mr. Simil Purohit, Senior Advocate a/w. Mr. Susmit Phatale and Mr. Dusyant Krishnan, Advocates for Respondent Nos.1, 3 and 4.
 - Mr. Alankar Kirpekar a/w. Mr. Susmit Phatale and Mr. Somnath Kale, Advocates for Respondent No.2.
 - Mr. Joshua Samuel, Advocate appearing through Video Conferencing a/w. Mr. Niranjan Kumar, Mr. Pradnyesh Sabnis and Ms. Kashmira Khedkear for Applicant in Interim Application (Stamp) No.13789 of 2025.
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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 05, 2026

P.C.:

- 1.** Heard Mr. Naik, learned Senior Advocate for Appellants; Mr. Purohit, learned Senior Advocate for Respondent Nos.1, 3 and 4; Mr. Kirpekar, learned Advocates for Respondent No.2 and Mr. Samuel,

learned Advocate appearing through Video Conferencing for Applicant in Interim Application (Stamp) No.13789 of 2025.

2. Mr. Naik has drawn my attention to the order dated 05.05.2025, the order of Supreme Court dated 01.09.2025 and would submit that in the special session of General Conference of the Appellant No.1 held from 28.04.2025 to 04.05.2025, on 28.04.2025 certain further resolutions were passed.

3. He would submit that in view of the directions contained in the order dated 01.09.2025 passed by the Supreme Court, Appellants make a request to the Court to allow the Appellants to take out appropriate amendment in Chamber Summons which is already filed pursuant to directions of this Court in the order dated 05.05.2025 which is pending before the learned Trial Court and bring on record challenge to the subsequent resolution/s and dispose of the Appeal from Order by keeping all contention of parties expressly open. The said Chamber Summons is nomenclatured as Chamber Summons No.1561 of 2025. That leave and liberty is always available to Appellants in accordance with law.

4. Needless to state that if any such Application is filed, the same shall be served on Respondents and they shall be entitled to deal with the same in accordance with law.

5. That apart, Mr. Purohit and Mr. Kirpekar would submit that

Defendants have also filed Application under Order VII Rule 11 of the Code of Civil Procedure, 1908 (for short '**CPC**') and if at all present Appeal from Order is disposed allowing the Plaintiffs to proceed further in their Chamber Summons as above, appropriate direction be given by Court to determine Application below Order VII Rule 11 of the CPC in accordance with law. Needless to state that Application under Order VII Rule 11 of the CPC will have to be heard by the Court in accordance with law and learned Trial Court shall do so.

6. One of the contention advanced by Mr. Purohit is that present Appeal from Order is an appeal from ad-interim order refusing ad-interim relief. Interim Application / Motion is still pending before learned Trial Court and further in view of the above order and depending upon outcome of the proceedings before learned Trial Court, appropriate directions will have to be otherwise given by learned Trial Court for completing the pleadings in the proceedings in the pending Interim Application / Motion. That certainly the learned Trial Court will do so in accordance with law.

7. This order is passed on the request made by Mr. Naik and therefore no further reasons are required to be given.

8. Needless to state that the learned Trial Court shall expedite the proceedings before Trial Court in accordance with law.

9. Needless to state that contentions of both sides are expressly

kept open before the Trial Court without this Court giving any imprimatur on merits.

10. Liberty to apply in case of difficulty for the parties.

11. With the above directions, Appeal from Order is disposed. In view of disposal of Appeal from Order, pending Interim Application is also disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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