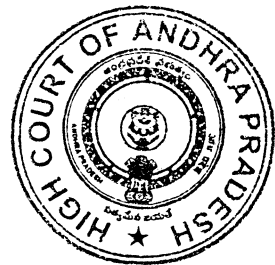


IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WEDNESDAY, THE SECOND DAY OF SEPTEMBER, TWO THOUSAND AND TWENTY

:PRESENT:
THE HONOURABLE SRI JUSTICE R. RAGHUNANDAN RAO

IA No. 1 OF 2020
IN
CRP NO: 955 OF 2020

**Between:**

1. Rev. Jerripothula Samule Kiran, S/o Late John Selvaraj,
 2. Rev. Dr. Nakka Yesuratnam, S/o Yesebu,
 3. Revenue. Nakka Joseph Sharron Kumar, S/o Sudarshana Rao,
 4. Rev. Pallem John Devadasu, S/o Bhushanam
 5. Rev. Sodadasi Ahron Kumar, S/o Samuel,
 6. Revenue. Madhira Sajeeva Rao @ Ravi, S/o Chakradhara Rao,
- ...Petitioners / Respondents No. 1, 4, 6, 8, 9 and 13 (in SOP 32/2008)**

AND

1. The Bible Mission, (Registered. No.66/1959) Bethel House, Railpet, Guntur, Rep. by its President, Rev. Dr. Addanki John.
2. Rev. Dr. Addanki John, S/o late Krupadanam, Christian, male, aged 72 years, President, The Bible Mission, Guntur, R/o Mudunuru, Pentapadu Mandal, TPG JCJC (died).
3. Rev. Pakerla Sajeeva Rao, S/o Jeevaratnam, Christian, Male, aged 51 years, Vice President, The Bible Mission, R/o Pillipeta, Gandhinagar, Narsapur, NSP JCJ.
4. Rev. Addanki Charley John Finny, S/o A. John, Christian, Male, aged 40 years, Secretary, The Bible Mission, R/o Ganapavaram, Ganapavaram Mandal, TPG JO (died).
5. Rev. Yalla Vijaya Ratnam, S/o late Issaq, Christian, Male, aged about 75 years, Joint Secretary, The Bible Mission, R/o Eastern Street, Kaikaluru Road, Eluru, E.JCJ (died).
6. Rev. Gummadi Rakada Emmanuel, S/o Moses, Christian, male, aged 39 years, Governing Body Member, The Bible Mission, Peddapuram, East Godavari District.
7. Rev. Sade Samuel Bhushanam, S/o John Babu, Christian, Male, aged about 41 years, Governing body Member, The Bible Mission, R/o Pattembalem, Kommagudem, Tadepalligudem Mandal, TPG. JCJ.
8. Rev. Yarlagadda Vinod Babu, S/o Rajeswara Rao, Christian, Male, 29 years, Governing Body Member, The Bible Mission, R/o D.No.48-156/2, Padmanivas, Ganeshnagar, HMT Road, Chintal, Hyderabad-54.
9. Rev. Yalla Issaq David Emmanuel, S/o Vijayaratnam, Christian, Male, aged 45 years, Governing Body Member, The Bible Mission, Eluru.
10. Rev. Matha Amen Raju, S/o Rajaratnam, Christian, Male, aged 51 years, Governing Body Member, The Bible Mission, Elamanchili.
11. Rev. Anantharapu Rajkumar, S/o Navaratnam, Christian, male, aged 34 years, Governing Body Member, The Bible Mission, Yeleswaram, East Godavari District.
12. The Branch Manager, Canara Bank, Pedakakani Branch, Guntur, Guntur JCJ.
13. The General Manager, Canara Bank, Head office, MG Road, Bangalore, Bangalore CCC Limits,

...Respondents / Petitioners (In SOP No. 32/2008)

14. Rev. Nakka Satyanandam, S/o Yesebu, Christian, Male, Aged 55 years, Pastor, Subbaraopeta, Korukonda, East Godavari District (died).
15. Rev. Pothuraju, M. Santhi Raju, S/o Jacob, Christian, Male, aged 65 years, Pastor, Bethanipeta, Bhimavaram-534 201, BVRM JCJ (died).
16. Rev. Pothuraju Davadattam Onesim, S/o Jacob, Christian, Male, aged 55 years, Pastor, Bethanipeta, Bhimavaram, BVRM JCJ (died).
17. Rev. Aseervadam, S/o not known, Christian, Male, aged 68 years, Pastor, Christianpeta, Tanuku -534211, TNK JCJ (died)
18. Rev. Nalla Paul, S/o not known, Christian, Male, aged 60 years, Pastor, Srianinagar, Gangavallii Takla, Koppalla District, Karnataka State (died).

...not necessary parties/ proforma parties / { respondents 2, 3, 7, 11 and 12 in SOP No. 32 / 2008}

19. Rev. Dr. Nekke Viltwe Raju, S/o Sudershann Rao, Christian, Male, aged 43 years, Pastor, Kambalapet, Rajahmundry, RJY JCJ,

(Not necessary party)

20. Rev. Bavana Jeavaratnam, S/o Abraham, Christian, Male, aged 65 years, Pastor, Tanuku Mandel, TNK JCJ

(remained ex-parte before the lower court).

**...not necessary parties
{Respondents 5 and 10 in SOP No. 32 / 2008}**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend or stay the operation of the order dt.15.06.2020 in SOP.No.32/2008 passed by the III Addl. District Judge, Guntur, during pendency of the CRP No. 955 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the earlier order of the High Court dated 29.07.2020, made herein and upon hearing the arguments of Sri M. Chalapati Rao, Advocate for the Petitioners, of Sri G.Ronald Raju, Advocate for the Respondent Nos. 1, 3, 6 and 9 and of Sri Sreedhar Valiveti, Advocate for the respondent Nos. 12 and 13, the Court made the following:

ORDER

THE HON'BLE SRI JUSTICE R.RAGHUNANDAN RAO

CIVIL REVISION PETITION No.955 of 2020

I.A.No.1 of 2020

DATE: 02.09.2020

The present Civil Revision Petition has been filed, under Article 227 of the Constitution of India, by six of the 13 contesting Respondents aggrieved by the order dated 15.06.2020 allowing the said SOP in favour of the respondents herein. The petitioners have also filed I.A.No.1 of 2020, seeking a suspension or stay of the operation of the order dated 15.6.2020. The present order is being restricted to the question of maintainability of the revision petition and the interim orders, if any, that are to be passed

2. Respondent No.1 is a Public Society registered with Registration No.66/1959 under the provisions of the Societies Registration Act, 1860. With the enactment of the Andhra Pradesh Societies Act, 2001 (for short "the Act"), the said Societies Registration Act, 1860 stood repealed in its application to the Andhra Area of the erstwhile State of Andhra Pradesh by virtue of Section 32 of the Andhra Pradesh Societies Act, 2001. Thereafter the provisions of "the Act" regulate the affairs of the respondent No.1-society.

3. The respondents filed S.O.P.No.32 of 2008 under Section 23 of the Andhra Pradesh Societies Registration Act, 2001 against 15 Respondents. It may be noted that the Respondent No. 2, 3,7,11 and 12 in the SOP have passed away and Respondent No.5 and 10 have not joined the petitioners in the present revision and are arrayed as

Respondents 19 and 20 in the present revision with the endorsement that they are "not necessary parties". Respondents 14 and 15 are Bank officials who are made parties on account of the contention of the Respondents herein that the fixed deposits of the society are with these banks. . A Memo was filed by respondents herein that the S.O.P. was not being pressed against the Respondent No.13 in the S.O.P. However, he is arrayed as Petitioner Number 6 in this Revision.

4. The trial Judge after a trial in the matter had upheld the contention of the respondents herein and had allowed the S.O.P by the impugned order dated 15.6.2020. As a result of the said order, it was declared that the petitioners herein and others who had been arrayed as respondent Nos.1 to 12 were not members of the respondent No.1-society and granted consequential injunction as prayed for. In addition to this, the first petitioner was also directed to furnish accounts to the respondent No.1-society from the date of assumption of charge till he was expelled from the respondent No.1-society on 19.8.2007.

5. Aggrieved by the said order, the petitioners have now approached this Court and sought an interim direction of suspension or stay of operation of the impugned order dated 15.06.2020.

6. Sri G.Ronald Raju, learned counsel appearing for the respondents submitted that a revision was not permissible and as such, the main petition itself requires to be dismissed in limine. It is his case that the provisions of the Cde of Civil Procedure need to be applied as the Act is silent on this aspect and consequently an appeal or miscellaneous appeal would be available to the petitioners herein and a

revision under Article 227 would not be available to the petitioners herein.

7. Sri M.Chalapathi Rao, learned counsel appearing for the petitioners submits that the petition is maintainable and both the counsel cited various judgments in support of their respective contentions.

8. Before advertng to the citations placed before this Court by both the counsel, it would have to be first recorded that the S.O.P was filed under Section 23 of "the Act" and that there is no provision of appeal or further recourse, in the Act, against the orders of the Court under Section 23 of the said Act.

9. Sri G.Ronald Raju, learned counsel for the respondents cited a Judgment of the Hon'ble Supreme Court of India in the case of ***Virudhunagar Hindu Nadargal Dharma Paribalana Sabai & others v. Tuticorin Educational Society and others***¹. In that case a revision under Article 227 of the Constitution was entertained and allowed by the High Court against interlocutory orders passed by the Trial Court in a suit. The contention raised before the Hon'ble Supreme Court was that a regular appeal was provided under order 43 Rule 1 of the Code of Civil Procedure against the orders passed by the Trial Court in interlocutory applications filed in original suits and as such a revision under Article 227 of the Constitution was not maintainable. A further contention raised was that the Hon'ble High Court had taken up

¹ (2019) 9 SCC 538

the revision petition and allowed the same ignoring the fact that an appeal had already been filed by some of the parties in the suit.

10. The Hon'ble Supreme Court after considering these two contentions had held that even though there could be no hurdle on the exercise of constitutional powers of the High Court under Article 227, a distinction should be made between cases where alternative remedy is available in terms of the Code of Civil Procedure and where alternative remedy is available under special enactments/statutory Rules against the orders passed by Quasi Judicial Authorities and Tribunals. The Hon'ble Supreme Court went on to hold that in cases where there was appellate remedy available in terms of provisions of C.P.C exercise of power under Article 227 would not be appropriate and the High court should, as a matter of discipline and prudence, refrain from exercising its power under Article 227 of the Constitution of India. In those circumstances, the Hon'ble Supreme Court held that the High Court ought not to have entertained a revision under Article 227. This Judgment would not advance the case of the respondents as the said decision related to a case where the original proceedings were under a Civil Suit to which the provisions of the Code of Civil Procedure would apply and where a provision of appeal was also provided under the Code of Civil Procedure. In the present case, it is the provisions of the Act, which would apply and the Act does not provide for any appeal against an order passed under Section 23 of the Act.

11. Sri M.Chalapathi Rao, learned counsel for the petitioners relied on a judgment of this Court in **S. Elisha v. World Missionary**

Evangelism India and ors.,². In this case a division bench of the High court was considering the maintainability of an LPA against the orders of a single judge passed in an appeal. The Division Bench had held that no appeal was provided against an order under Section 11 of the A.P. (Telangana Area) Public Societies Act 1350 Fasli, which corresponds to Section 23 of the present Act, and as such there could be no appeal against such an order of the learned judge and rejected the said L.P.A. Sri M.Chalapathi Rao, learned counsel for the petitioners also relied upon the Judgment of a full bench of this Court reported in ***G.R.Ranga Rao v A.P.State Electricity Board Engineers Association³*** wherein the full bench negated the contention that the Code of Civil Procedure would apply to the Societies Registration Act, 1860 and directed that only a revision would lie against orders passed under Section 11 of the Old Act. Another Judgment cited by the petitioners is ***Viswender Arya v. Arya Pratinidhi Sabha and others⁴*** wherein the provisions of the present Act came up for consideration. The learned Single Judge after referring to the Full Bench Judgment cited above held that the Judgment of the Full Bench would apply to the present Act also and directed that the C.M.A filed against an order under Section 23 to be converted into a revision. These judgements were followed by a learned single judge of this court in the case of ***A.P. Arya Vysya Mahasabha v. Mutyapu Sudershan and ors.,⁵***

² 1997 (3) ALT 155

³ 2001(5) ALT 553

⁴ 2003(3) ALD 152

⁵ 2015 (6) ALT 227

12. In the judgments cited by the Petitioners, the High court had taken the view that since the Code of Civil Procedure would not apply to the provisions and proceedings under the Act, only a revision under Article 227 would be available to any party aggrieved by a decision under section 23 of the Act. This contention of the petitioners is disputed by Sri Ronald Raju, the learned Counsel for the Respondents herein, on the basis of the judgement of the Hon'ble Supreme Court in the case of **Terapalli Dyvasahata Kumar v. S. M. Kantha Raju and ors.**,⁶.

13. In this case an application was filed under section 23 of the Act in the court of the IV Additional District Judge, Visakhapatnam in relation to a society which was registered in Kakinada. An objection was taken, by way of an interlocutory application, about the maintainability of the application on the ground that only the district court in Kakinada would have jurisdiction as the society was registered at Kakinada. The Trial Judge rejected the said application, on the ground that, a part of the cause of action arose in Visakhapatnam, and applying the principle of Section 20 (c) of the Code of Civil Procedure, held that the main application was maintainable at Visakhapatnam. Aggrieved by the said order, a revision was filed before the High Court. After hearing both sides, the High court took the view that the Act is a special Act and as such general principles enunciated in the Code of Civil Procedure cannot be applied and held that, the District court

⁶ (2018) 11 SCC 769

which would have jurisdiction would be the District court, within whose jurisdiction the society was registered.

14. The Hon'ble Supreme Court set aside the judgement of the High Court by observing as follows:

13. As the District Judge correctly states in the impugned judgment dated 17-1-2005, where the expression "District Court" is not defined by the special enactment in which it occurs, it must necessarily take with it all the trappings that go along with a District Court that is established under the general law. This would necessarily mean that the provisions applicable to District Courts generally would apply, and that therefore the provisions of the Code of Civil Procedure, when it comes to determining the jurisdiction of such District Court, would necessarily apply.

14. In fact, the said conclusion is in consonance with *National Sewing Thread Co. Ltd. v. James Chadwick & Bros. Ltd.* [*National Sewing Thread Co. Ltd. v. James Chadwick & Bros. Ltd.*, 1953 SCR 1028 : AIR 1953 SC 357] The question that arose before this Court was in the context of Section 76(1) of the Trade Marks Act, 1940 which provided an appeal from any decision of the Registrar to "the High Court having jurisdiction". This Court held that the Trade Marks Act does not provide for or lay down any procedure for the conduct of an appeal in the High Court. This being so, this Court held: (AIR pp. 359-60, para 7)

"7. ... The Trade Marks Act does not provide or lay down any procedure for the future conduct or career of that appeal in the High Court, indeed Section 77 of the Act provides that the High Court can if it likes make rules in the matter. Obviously after the appeal had reached the High Court it has to be determined according to the rules of practice and procedure of that Court and in accordance with the provisions of the charter under which that Court is constituted and which confers on it power in respect to the method and manner of exercising that jurisdiction. The rule is well settled that when a statute directs that an appeal shall lie to a Court already established, then that appeal must be regulated by the practice and procedure of that Court. This rule was very succinctly stated by Viscount Haldane, L.C. in *National Telephone Co. Ltd. v. Postmaster General* [*National Telephone Co. Ltd. v. Postmaster General*, 1913 AC 546 (HL)] , in these terms: (AC p. 552)

'... When a question is stated to be referred to an established court without more, it, in my opinion, imports that the ordinary incidents of the procedure of that Court are to attach, and also that any general right of appeal from its decision likewise attaches.'

The same view was expressed by their Lordships of the Privy Council in *Adaikappa Chettiar v. R. Chandrasekhar Thevar* [*Adaikappa Chettiar v. R. Chandrasekhar Thevar*,

1947 SCC OnLine PC 53 : (1946-47) 74 IA 264] , wherein it was said: (SCC OnLine PC)

'... Where a legal right is in dispute and the ordinary courts of the country are seized of such dispute the courts are governed by the ordinary rules of procedure applicable thereto and an appeal lies if authorised by such rules, notwithstanding that the legal right claimed arises under a special statute which does not, in terms confer a right of appeal.'

Again in *Secy. of State for India in Council v. Chelikani Rama Rao* [*Secy. of State for India in Council v. Chelikani Rama Rao*, 1916 SCC OnLine PC 42 : (1915-16) 43 IA 192 : ILR (1916) 39 Mad 617] , when dealing with the case under the Madras Forest Act their Lordships observed as follows: (SCC OnLine PC)

'... It was contended on behalf of the appellant that all further proceedings in courts in India or by way of appeal were incompetent, these being excluded by the terms of the statute just quoted. In their Lordships' opinion this objection is not well-founded. Their view is that when proceedings of this character reach the District Court, that court is appealed to as one of the ordinary courts of the country, with regard to whose procedure, orders, and decrees the ordinary rules of the Civil Procedure Code apply.'

Though the facts of the cases laying down the above rule were not exactly similar to the facts of the present case, the principle enunciated therein is one of general application and has an opposite application to the facts and circumstances of the present case. Section 76 of the Trade Marks Act confers a right of appeal to the High Court and says nothing more about it. That being so, the High Court being seized as such of the appellate jurisdiction conferred by Section 76 it has to exercise that jurisdiction in the same manner as it exercises its other appellate jurisdiction and when such jurisdiction is exercised by a Single Judge, his judgment becomes subject to appeal under Clause 15 of the Letters Patent there being nothing to the contrary in the Trade Marks Act."

15. xxxxxxxxx

16. xxxxxxxxx

17. xxxxxxxxx

18. In this view of the law, we set aside the judgment of the Andhra Pradesh High Court dated 19-9-2006 [*S.M. Kantha Raju v. Terapalli Dyvasahata Kumar*, 2006 SCC OnLine AP 805 : (2007) 1 ALD 385] . We must indicate that the impugned judgment is wrong on two counts. First, in applying the definition of "the Court" to "District Court" mentioned in Section 23, and then concluding that it would refer only to the Principal Court of Original Jurisdiction of one particular place. It is also wrong in stating that as the 2001 Andhra Pradesh Act is a special enactment, general principles applicable under the Code of Civil Procedure would not apply, for the reasons given by us above.

15. The decision of the Hon'ble Supreme Court is to the effect that the principles of the Code of Civil procedure should be applied when the Act is silent, for the purposes of interpreting the provisions of the Act. However, it is doubtful if this principle can be extended to mean that a right of appeal is available to parties because the Act is silent on this aspect and therefore the general principles of the Code of Civil Procedure confer a right of appeal. It is a well settled principle of Law that there is no inherent right of appeal and the said right of appeal against any proceeding has to be specifically conferred by Statute. In fact, the judgement, in the case of National Sewing Thread Co. Ltd., referred to by the Hon'ble Supreme Court is itself a case where a right of appeal was conferred under the Trade marks Act and the principles of the Code of Civil Procedure were applied to determine the procedure to be followed in the appeal.

16. Even otherwise, there is no appeal available to the petitioners under the provisions of the Code of Civil Procedure. The order under challenge is a final order passed under section 23 of the Act. The Code of Civil procedure provides for appeals against interlocutory orders under Section 104 and 106 read with Order 43. Similarly Appeals against final judgement and decree are provided under section 96 read with order 41.

17. Section 96 (1) of the Code of Civil Procedure reads as follows:

Appeal from original decree:- (1) Save where otherwise expressly provided in the body of this Code or by any other law for the time being in force, an appeal shall lie from every decree passed by any Court

exercising original jurisdiction to the Court authorized to hear appeals from the decisions of such Court.

(2) An appeal may lie from an original decree passed ex parte.

(3) No appeal shall lie from a decree passed by the Court with the consent of parties.

(4) No appeal shall lie, except on a question of law, from a decree in any suit of the nature cognizable by Courts of Small Causes, when the amount or value of the subject-matter of the original suit does not exceed [ten thousand rupees].

18. Under this provision appeals would lie against every "Decree" passed by any court exercising original jurisdiction. The term "Decree" has been defined in Section 2 (2) of the Code of Civil Procedure in the following manner:

2(2) "decree" means the formal expression of an adjudication which, so far as regards the Court expressing it, conclusively determines the rights of the parties with regard to all or any of the matters in controversy in the suit and may be either preliminary or final. It shall be deemed to include the rejection of a plaint and the determination of any question within Section 144, but shall not include –

(a) Any adjudication from which an appeal lies as an appeal from any order, or

(b) Any order of dismissal for default.

Explanation, - a decree is preliminary when further proceedings have to be taken before the suit can be completely disposed of. It is final when such adjudication completely disposes of the suit. It may be partly preliminary and partly final;

19. This would mean that Judgements and decrees passed in suits alone would be appealable. Though the Term "Suit" has not been defined under the Code of Civil Procedure, the provisions of section 26(1) of the Code of Civil procedure which states "Every Suit shall be instituted by the presentation of a plaint or in such other manner as

may be prescribed" distinguishes a suit filed by way of a plaint and an application which is filed under section 23 of the Act. Further, Section 2 (14) of the Code of Civil Procedure, defines "Order" as follows:

"Section 2(14):- "Order" means the formal expression of any decision of a Civil Court which is not a decree"

20. This would make it clear that all formal expressions of the decision of the Court are not decrees and there are certain formal expressions which are excluded from the meaning of "Decree"

21. This issue has been considered by courts, earlier, and a conspectus of the said judgements would show that only decrees arising out of suits would be appealable and orders or decrees arising out of applications would not be appealable. Even in cases where the Act under which the original proceedings had been initiated had provided for an appeal, it would at best be a miscellaneous Appeal under Order 43 of the Code of Civil Procedure. [**N.K.R.M. Rajagopala Chettiar v. the Hindu Religious Endowments Board, Madras**⁷, **Kalakota Varalakshmi and anr. v. Kalakota Veerareddi and anr.**,⁸ **S. Elisha v. World Missionary Evangelism India and ors.**,⁹]. The Hon'ble Supreme Court while considering the question whether an award passed under the Arbitration and Conciliation Act, 1196 would be a decree had held that only a final adjudication in a suit by a civil court would amount to a decree. [**Paramjeet Singh Patheja v. ICDS Ltd**¹⁰]

⁷ AIR 1934 Mad 103 (FB)

⁸ AIR 1961 AP 359, (DB)

⁹ AIR 1961 AP 359, (DB)= (1997) 4 ALD 604]

¹⁰ AIR 2007 SC 168 :: (2006) 13 SCC 322

22. For these reasons it would have to be held that no appeal or miscellaneous Appeal can be filed against an order under Section 23 of the Act either under Section 96 read with Order 41 or section 104 read with Order XLIII of the Code of Civil Procedure. In such circumstances a revision under Article 227 of the Constitution would be maintainable.

23. Having held that the Revision is maintainable, the interlocutory application of the Petitioners would have to be considered.

24. The case of the respondents, in brief, is that the respondent No.2 was elected as life time President in the year 2000 and has been continuing as the life time President of the respondent No.1-society. As the petitioners herein and more specifically, the first petitioner are said to have been indulging in activities which are detrimental to the respondent No.1-society, action was initiated against the petitioners herein and initially petitioner No.1 and one Nakka Satyanandam, who was respondent No.2 in the S.O.P have functioned as Secretary and Vice President of the respondent No.1-society till 07.07.2007 when they were placed under suspension and expelled from the society on 19.08.2007 on the basis of a report after an enquiry had been conducted against them. Similarly, the other petitioners herein as well as some of the respondents in the original petition had been suspended and expelled from the respondent No.1-society on 07.10.2007. It is also stated that elections were conducted for the office bearers of the respondent No.1-Society on 10.07.2007

and the list of office bearers elected on 10.07.2007 were forwarded to the Registrar of Societies, Guntur on 11.07.2007 for purposes of registering the said list of office bearers. Thereafter, the District Registrar, Guntur, had issued a letter dated 14.09.2007 stating that since there seems to be a dispute as to the elections both the petitioners and respondents herein should approach the Court of law for obtaining necessary orders as to who should be treated as office bearers of the respondent No.1-Society.

25. The respondents also contended that the first petitioner herein had diverted huge amounts of money aggregating to about Rs.6 crores and had also deposited the funds of the respondent No.1-society in the Canara Bank, Peda Kakani Branch and had kept pass books and FDRs relating to these deposits in his personal custody for the purposes of using them for his personal benefit.

26. The respondents herein had also made certain other allegations against the petitioners and sought declaration that respondents 1 to 13 in the S.O.P., some of whom are petitioners herein should be declared to have no nexus whatsoever with the respondent No.1-society and not to undertake any of the activities of the respondent No.1-society; For a consequential permanent injunction against respondents 1 to 13 in the S.O.P from interfering with the activities of the respondent No.1-society; A direction to the first petitioner herein to furnish accounts of the respondent No.1-society from the date of assumption of charge till he was expelled from the respondent No.1-society on 19.08.2007.

27. In replying to these allegations, the Petitioner No.1 herein, who is the Respondent No.2 in the S.O.P. had filed a counter affidavit denying all the allegations made against the Petitioner No.1 herein and other members of the society who had been arrayed as respondents. It was the case of the petitioners that there was no concept of President for life and respondent No.2 herein could not claim to be the President of the Society on the basis of which, the petitioners herein had been expelled from the society. The petitioners also state that they continued to be the members of the society and their alleged expulsion as members of the respondent No.1-society were not to be taken into account.

28. Sri M. Chalapathi Rao submits that the entire case of the Respondents herein is that the 2nd Respondent, as the life time president of the 1st Respondent society had conducted the enquiry against the Petitioners and they are said to have been expelled from the society on that basis. Sri Chalapathi Rao submits that there is no provision for a lifetime president in the 1st Respondent society and in any event that would be in violation of Section 14 (2) of the Act which stipulates that the term of the committee or its members cannot exceed 6 years. He further seeks to submit on the age limit of the President and sought leave to rely on a bye law of the Society which is said to have been obtained by the Petitioners. Sri Ronald Raju objected to the same on the ground that the alleged byelaws were not marked during the trial of the SOP and cannot be looked into. I would have to agree with Sri Ronald Raju and must decline to look into the said

Byelaws as it has not been marked and can not be looked into as long as it is not marked as an exhibit in the proceedings .

29. Sri Ronald Raju submits that, the Petitioners have not challenged their expulsion as members of the 1st Respondent society and in the absence of a challenge, by the Petitioners, to their expulsion from the Society, the Petitioners cannot seek continuation as members by virtue of the proceedings in the S.O.P. or the Revision here. He also submits that the 2nd respondent had been re elected as the President of the Society on 10.7.2007 and as such the question of whether the 2nd Respondent was life time president or not would not be relevant. He further submits that the S.O.P. was not pressed against the 6th Petitioner herein and the same was recorded in the judgement in the S.O.P. and as such the 6th Petitioner cannot maintain this S.O.P. Sri Ronald Raju also submits that the present revision by the Petitioners is only to prolong the proceedings in order to take away the fixed deposits of the society which are under the control of the 1st Petitioner herein.

30. Sri Chalapathi Rao, fairly submits, on instructions, that the 1st Petitioner is willing to deposit the fixed deposit receipts into Court during the pendency of the revision.

31. As various contentions raised by both sides would require a more comprehensive consideration of the issues involved and the same can be done only in a full hearing of the matter it would be appropriate to stay the operation of the order dated 15.6.2020 of the III Additional District Judge at Guntur in S.O.P. No. 32 of 2008, to the extent of the

declaration that the petitioners are not members of the 1st Respondent-society subject to the following conditions:

1. The 1st Petitioner shall deposit the fixed deposit receipts of the 1st Respondent society, which are in his possession, within a period of 3 weeks from the date of this order in the court of the III Additional District Judge at Guntur in S.O.P. No. 32 of 2008.

2. The 1st petitioner shall also submit all the accounts of the 1st Respondent-Society to the III Additional District Judge at Guntur in S.O.P. No.32 of 2008 from the date of assumption of charge till 19.8.2007 and the copies thereof shall be given to the Respondents herein

SD/- R. KARTHIKEYAN
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

One CC to the Hon'ble Sri Justice R.Raghunandan Rao
(For His Lord Ship's kind perusal)

To,

1. Rev. Dr. Addanki John, President, Bible Mission, (Registered. No.66/1959) Bethel House, Railpet, Guntur
2. Rev. Pakarla Sajeeva Rao, S/o Jeevaratnam, Vice President, The Bible Mission, R/o Pillipeta, Gandhinagar, Narsapur, NSP JCJ.
3. Rev. Gummadi Rakada Emmanuel, S/o Moses, Governing Body Member, The Bible Mission, Peddapuram, East Godavari District.
4. Rev. Sade Samuel Bhushanam, S/o John Babu, Governing body Member, The Bible Mission, R/o Pattermbalem, Kommagudem, Tadepalligudem Mandal, TPG. JCJ.
5. Rev. Yarlagadda Vinod Babu, S/o Rajeswara Rao, Governing Body Member, The Bible Mission, R/o D.No.48-156/2, Padmanivas, Ganeshnagar, HMT Road, Chintal, Hyderabad-54.
6. Rev. Yalla Issaq David Emmanuel, S/o Vijayaratnam, Governing Body Member, The Bible Mission, Eluru.
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