

# IN THE COURT OF SENIOR CIVIL JUDGE- 2 AIZAWL DISTRICT: AIZAWL, MIZORAM

TITLE SUIT NO. 02 (A) OF 1996

Plaintiffs:

1. Rev. Chhunglawma  
District Superintendent  
N. Mizoram District  
United Penticostal Church
2. Mr. Lalnunmawia  
Chairman, Hqrs.  
Local Church Board Committee  
United Penticostal Church  
Tuikhuahtlang- Aizawl
3. Mr. Chalkunga  
Chairman  
Church Board Committee  
United Penticostal Church  
Chanmari- Aizawl
4. Mr. Laldawngliana  
Chairman  
Church Board Committee  
United Penticostal Church  
Chaltlang- Aizawl

*By Advocates*

: 1. Mr. L.H. Lianhrima  
2. Mr. Lalhriatpuia

*Versus*

Defendant's:

The General Superintendent  
United Penticostal Church, North East India  
Headquarter at Jingkieng  
Shillong, Meghalaya

*By Advocates*

: 1. Mr. W. Sam Joseph  
2. Mr. F. Lalengliana

Proforma defendant:

The Director  
Land Revenue and Settlement Department  
Govt. of Mizoram

Mizoram- Aizawl

*By Advocates* : 1. Mr. R. Lalremruata, AGA  
2. Miss Bobita Lalhmingmawii, AGA

Date of Arguments : 29- 06- 2011

Date of Judgment & Order : 09 -08 -2011

### **BEFORE**

Dr. H.T.C. LALRINCHHANA, Sr. CJ- 2

### **JUDGMENT & ORDER**

### **INTRODUCTORY**

In the global scenario, the United Pentecostal Church International (UPCI) was founded in 1945 with the merger of the Pentecostal Assemblies of Jesus Christ (PAJC) and the Pentecostal Church Incorporated (PCI). The UPC is distinguished from other mainstream Pentecostal denominations by its anti-Trinitarian beliefs and teaching on the oneness of the nature of God. Leaders from both the PAJC and the UPCI met and together formed the UPCI. Officers were elected from both organizations. The first General Superintendent was Howard Goss and the Assistant General Secretary was W.T. Witherspoon.

In their brief history, In 1913 R.E. McAlister preached a sermon on Acts 2:38 in which he emphasized that God is known only in the name of Jesus Christ. Shortly thereafter, the practice of re-baptizing in the name of Jesus only, not in the Trinitarian name of Father, Son, and Holy Spirit, became common as “oneness” teaching spread. Tensions arose between the Trinitarians and the new Oneness believers, setting in motion a split. Numerous mergers, unions and splits followed, leading eventually to a merger in 1945 forming the United Pentecostal Church. The word “International” was later added to the name of the church body. Originally located in the city of St. Louis, in 1970 the denomination moved to Hazelwood, MO, a suburb, where it also operates its Gateway College of Evangelism. Today the UPCI is extremely active in foreign mission activities. Their sacred text is The Holy Bible

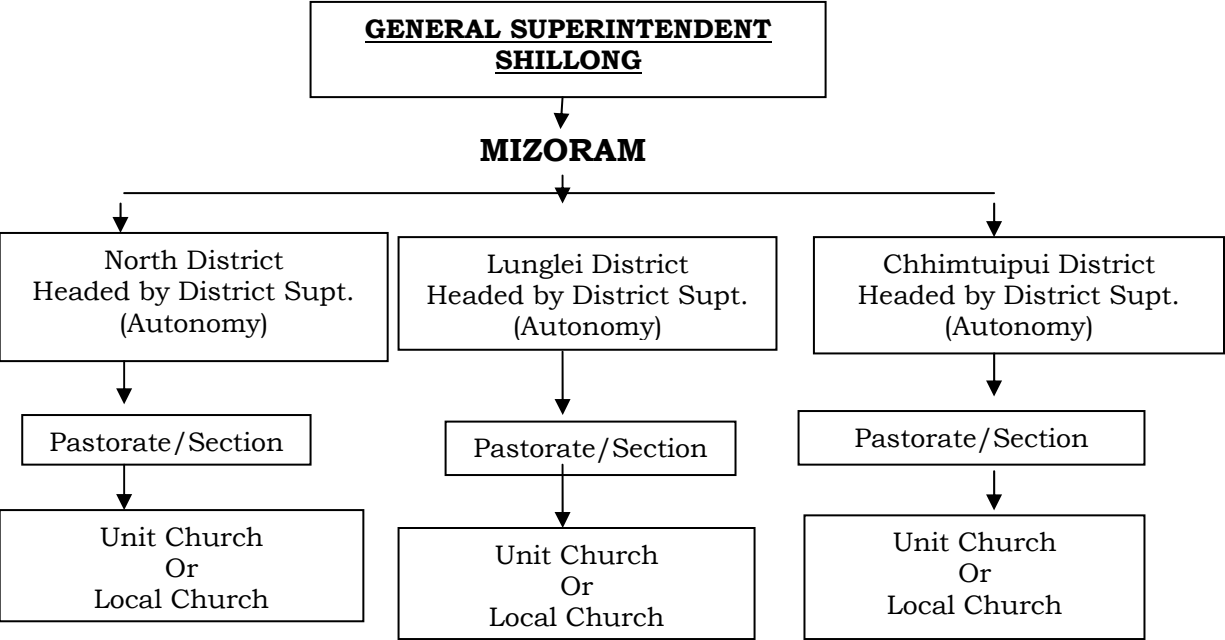
In their Beliefs and Practices, Oneness Pentecostals teach that baptism “in the name of Jesus” is the only correct formula for water baptism. The UPCI bases this view on Acts 2:38 where Peter commands repentance and baptism in the “name of Jesus Christ.” UPCI rejects the historic doctrine of the Trinity and hence also the use of the Trinitarian formula used in Christian Baptisms (Matt. 28:19). The UPCI belief is that the Father, the Son, and the Holy Spirit are really all manifestations of the one God who became flesh in the person of Jesus Christ. In the words of an UPCI statement of faith, the historic doctrine of the Trinity is “inadequate and a departure from the consistent and emphatic biblical revelation of God being one”. UPCI theologians and

pastors argue that Jesus' use of the singular word "name" in Matt. 28:19 reflects the view that the Father and the Holy Spirit are manifestations of the "one name" in the text – Jesus Christ. To further substantiate their claim, they also point to John 14:7-11 where Jesus prays that He and the Father are One. Baptismal practice reflects UPCI understandings of God. Previous Trinitarian baptisms are regarded as invalid. Coupled with this teaching is the belief that baptism by immersion only is the sole correct mode of baptism. Sprinkling does not constitute a correct baptism. The UPCI does not baptize infants. Oneness Pentecostals also believe in a "baptism in the Holy Spirit" today evidenced by the gift of speaking in tongues (glossalalia). Salvation is believed to be "by grace through faith" apart from works. The Lord's Supper is practiced as a memorial feast. The holiness codes prevalent in most of the Holiness churches are also practiced in the UPCI. Dancing, movies, the wearing of jewelry, immodest dress and the like are forbidden. The polity of the UPCI is congregational with some degree of leadership and representation from its headquarters in Hazelwood, MO.

In the context of Mizoram, the UPC was firstly established in Mizoram on 19.2.1950 by Rev. E.L. Scism. Prior to that, there was no UPC in Mizoram (previously known as Lushai Hills). Rev. Scism came to India along with his wife and landed at Madras on 26<sup>th</sup> March 1949. After going to Kodaikanal and then to Travancore, he decided to come to Lushai Hills (now Mizoram). He arrived at Capital of Lushai Hills known as Aijal (Now Aizawl) on 18.2.1950. He had formed the UPC in Aijal, Lushai Hills on 19.2.1950 with some revivalist in Aizawl. When the UPC was formed by Rev. E.L. Scism, Pu Zakamlova was the first to join him and many others followed suit. The UPC which was established on 19.2.1950 was the part of UPC International and the Unit of UPC in Lushai Hills was under the administrative control of United Pentecostal Church of India. Initially the Headquarters was at Adur in Kerala later the headquarters was shifted to Bhopal, MP. All the UPC unit churches were controlled by the UPC India Unit. The UPC in Lushai Hills was also under the administrative control of UPC India. In the year 1969 for administrative convenience, UPC North East India was bifurcated from UPC India and named the 'UPC North East India'.

Day by day the UPC in North East India evident gradual growth and many unit churches were established within North East India including Mizoram, touching a number mark of over 67,000 members within Mizoram alone. While the UPC (NEI) was progressing harmoniously, an unfortunate incident occurred followed by a series of differences resulting out of the eruption un-befit of a church within Mizoram in 1994 -1995 witnessing huge number of members choosing to leave the UPC (NEI) to form 'UPC of Mizoram' which is followed by a contest of title on Church buildings, Pastor Quarters etc. This incident also eked out the instant case as the plaintiffs and the main defendant. Before split into two viz. United Pentecostal Church of Mizoram and United Pentecostal Church, North East India, it may be relevant to highlight table of their administrative hierarchy so as to ascertain their exact status as –

**UNDIVIDED STATUS OF UNITED PENTICOSTAL CHURCH**



The suit is filed during 1996 which is also a fresh suit and is pending for about 15 years. Before anything else, I must apologize as undue delay of justice. Admittedly, parties fails to reach amicable settlement even through Lok Adalat method. Hence, a must to adjudicate the instant case in this court.

**NUCLEUS OF THE CASE**

The plaintiffs in their plaint submitted that the plaintiff No. 1 is the District Superintendent who is the owner/holder of all the district properties held in the name of the N. Mizoram District UPC such as (i) the District Headquarters Office building (ii) Printing Press and its building (iii) Bookroom with the building and all volumes of the books and other moveable properties (iv) Sunday School building under Pass No. 8 of 1986 located at Mualpui- Aizawl, a plot of land located at Kawlthai Huan, Mission Veng- Aizawl and (v) Two vehicles (Gypsy B/R No. ZRA/0051 and Maruti Car- MZ-01/2465 and (vi) all the Pastor quarters within the N. Mizoram District UPC.

The plaintiff No. 2 is also the owner of Misc Pass No. M. 48/1954 which was superseded by Misc Pass No. M. 89 of 1954 and again superseded by Misc Pass No. 13 of 1970 located at Tuikhuahtlang, Aizawl over which the headquarters local church building, the Sunday School Hall, the Headquarters Office, the Press building and the bookroom are all located.

The plaintiff No. 3 is also the owner of land and church building located at Chanmari, Aizawl under Misc Pass No. 27 of 1972. The said land was purchased by the plaintiff Church from Mr. R. Thanga (L), Chanmari West for construction of the church building. Accordingly, the church building was constructed and opened on 15.2.1976. The said building was reconstructed by the plaintiff church and is not yet completed till filing of the suit.

The plaintiff No. 4 is also the owner of land under Land Lease No. 6 of 1993 issued in favour of the Secretary of the Plaintiff Church for the purpose of construction of the church building. Accordingly, the church building was constructed with RCC structure with effect from 1990 and the same was completed in 1992 by spending over two lakhs rupees. The plaintiff church also procured other moveable properties like Benches, Desks, Almirahs, books etc.

The plaintiff nos 2, 3 and 4 being within the administrative district of the plaintiff no. 1, they work together and used to cooperate with the plaintiff no. 1 for their zeal. Due to creation of Aizawl East District UPC, the plaintiffs ceased to cooperate the defendant with effect from 20.9.1995. Meanwhile, the defendant claimed the properties of the plaintiff after split out of them but their belief and faith remains the same.

Prior to split, the plaintiffs and all other local churches of UPC in Mizoram used to function under or in the name of UPC of Mizoram/Mizo District. The said UPC of Mizoram with its Headquarters at Aizawl right from its inception way back in the year 1949-50 joined hands and worked together with the UPC International having its headquarters in the USA at Hazelwood (herein after referred to as UPC of USA) for propagation of the faith and doctrine of the UPC and of the Gospel of Jesus Christ. For the purpose of further propagation of the faith and belief of the UPC in the N.E.India the UPC of Mizoram with its headquarters at Aijal (Aizawl) and same few members of UPC of other states of the N.E. India came to an understanding. Accordingly, the UPC of the different states of N.E. India formed a forum known as 'the UPC of N.E. India'. Though members from different states of the N.E. India worked together under the said forum the different states/districts and local churches of UPC continued to have their autonomy and authority in respect of the owning, management and disposal of their respective properties. The said forum of UPC of N.E. India (i.e. defendant No.1) used to supervise matters relating only to religious affairs. However, the UPC of N.E. India i.e. defendant No. 1 also owns some properties which are specifically registered in its name. More so, though the said UPC of N.E. India got itself registered under the Societies Registration Act, 1860 with registration No.100 of 1968-69, members of UPC in Mizoram were not covered or bound by the said registration in as much as the said Registration Act, 1860 was not applicable in Mizoram at that time. Accordingly, in spite of the co-operation of members of UPC from Mizoram at different levels with that of the UPC on N. E. India the defendant No.1 and its agent in Mizoram can not claim to have any say in the administrative affairs, relating to religious and proprietary matters excepts with the permission of the members of UPC in Mizoram and as such the defendant No.1 has no right whatsoever in respect of the properties belonging to the Plaintiffs now in dispute. The plaintiff No.1 being the owner of all the properties movable or immovable as stated earlier within the N. Mizoram District UPC he has every right of management and disposal in accordance with the resolution and decision of the District Board of N. Mizoram District UPC. In the same manner the plaintiffs No.2, 3 and 4 being in the same position as the plaintiff No.1 in respect of the properties belonging to the respective plaintiff churches they also have the right to

manage, utilise or even to dispose of the said properties belonging to the said churches in accordance with the decision/resolution of the respective Church Board committee. The plaintiff No. 1, 2, 3 and 4 after having cooperated with the defendant No.1 for quite some time had cut off their links and cooperation with the defendant No.1 due to difference not in the faith and belief but in respect of the setting up/creation of the Aizawl East District UPC which was carved out of the N. Mizoram District without the consent or permission of the Executive Board of the N. Mizoram District UPC of which the plaintiff No.1 is the representative. Accordingly, after ceasing to cooperate with the defendant No.1 the plaintiffs resolved to join hand with the UPC of Mizoram with effect from 20-9-95 which in fact is the revival/continuation of the UPC of Mizoram with its headquarters at Aizawl. The defendant No.1 started claiming the properties of the plaintiffs as its own on account of the plaintiffs joining and cooperating with that of the said UPC of Mizoram. The said properties being the properties legally owned and acquired by the plaintiffs the defendant No.1 has no right to interfere with the management and user of the same by the plaintiff. The plaintiffs further submitted that suit properties were in the hands and possession of the plaintiffs till custody of the same were taken over by the District Magistrate in the wake of the dispute between the plaintiffs on the one hand and the defendant No.1 and its agents on the other hand which resulted in closure of the said premises pending settlement of the disputed claims between the parties. The plaintiffs also stated that at any rate the plaintiffs being allotted the sites for construction of their church buildings and the said construction of church buildings being carried out by the respective plaintiff churches without any support or help from the defendant No.1, the defendant No.1 or its agents have no right to interfere with the management of the suit properties. In fact, it was the defendant No.2 in exercise of the power under the Land & Revenue Act, 1956 who had issued Passed/LSCs in favour of the Plaintiffs and as such the defendant No.1 or its agents have no right to claim the suit properties on the basis of the Bye Laws not applicable to members of the UPC in Mizoram in general and to the plaintiffs in particular. The plaintiffs alleged that the defendants No.1 and its agents having illegally interfered with the properties of the Plaintiffs and having illegally disturbed the functioning and worship services of the plaintiff churches, the actions of the defendant No.1 and its agents are liable to be declared illegal and accordingly they are liable to be directed to refrain from interfering with the said properties and from disturbing the functioning and worship services of the plaintiff churches in their respective local churches. They also added that the plaintiffs churches being the rightful owners of the landed properties had paid and cleared all the taxes, revenues payable in respect of the said lands. As per their plaint, the cause of action in this suit arose in the year 1995 when the plaintiffs cut off their links with the defendant No.1 and when the defendant No.1 started claiming the properties of the plaintiff churches as its own. The plaintiff therefore claim the following reliefs-

*(a) For a decree in favour of the plaintiffs and against the defendant*

- (b) For a decree declaring that the plaintiffs are the rightful owners of the suit properties in accordance with the Passes/LSCs issued to them by the defendant no. 2*
- (c) For a decree directing or restraining the defendant no. 1 and its agents to refrain from interfering with the management, custody and possession of the suit properties and allowing the plaintiffs to have peaceful and undisturbed possession and management of the same.*
- (d) And for any other relief(s) which this court deem fit and proper.*

In the written statement, the defendant submitted that the suit is bad for non-joinder and mis-joinder of parties, the suit is barred by limitation and the suit is barred by principles of estoppel, acquiescence and res-judicata. The Defendant No. 1 also denies the statement made in Para 1 of the plaint and states the plaintiff No. 1 is not the District Superintendent of the North Mizoram District UPC and the Plaintiff No. 2,3 and 4 are also not Chairman of the respective Church Board Committees of UPC Tuikhuahtlang, Aizawl, UPC Chandmary Aizawl, UPC Chaltlang Aizawl. Hence, the plaintiff No. 1, 2, 3 and 4 have no *locus standi* to sue the Defendant No. 1 and 2 on behalf of the UPC North Mizoram District and the aforesaid local Churches in respect of the properties of the North Mizoram UPC and the said local Churches and they are also not authorised to file suit by North Mizoram UPC and the said local Churches against the Defendant. With regard to the statement made in Para 2 of the plaint, the answering defendant states that the properties of the aforesaid North Mizoram UPC and the said local churches do not belong to the plaintiff No. 1,2,3 and 4. The plaintiff no. 1,2,3 and 4 had been the members of the North Mizoram UPC and the said local churches but had left in the month of September 1995, and they are no longer the members of North Mizoram UPC and the said local Churches since September 1995. It is pertinent to mention that here that the plaintiff No. 1 is a self-styled District Superintendent of North Mizoram UPC and the Plaintiffs No. 2,3 and 4 are also self-styled chairmen of Church Board Committee of UPC Tuikhuahtlang, Aizawl, UPC Chandmary, Aizawl and UPC Chaltlang Aizawl respectively. They are not recognized by the defendant No. 1, North Mizoram District UPC and the local Church of Tuikhuahtlang, Aizawl, UPC Chandmary Aizawl and UPC Chaltlang Aizawl, as respective District Superintendent of North Mizoram UPC, Chairman of Tuikhuahtlang Aizawl, Chandmary Aizawl, and Chaltlang Aizawl. The present lawfull and recognized District Superintendent of North Mizoram UPC is Rev. Thangliana, the Chairman local Church Board Committee of UPC Tuikhuahtlang, Chandmary and Chaltlang are Shri. Pastor Laltluanga, Shri. Upa V.L Hmangaiha and Shri. Upa Ngurbela respectively. With regard to the statement made in para 3 of the plaint the Defendant No. 1 states that the Plaintiff No. 1 (one) is not the District Superintendent of North Mizoram District UPC as stated earlier. The properties mentioned in Para 3 of the plaint are the properties of North Mizoram District UPC as well as the properties of UPC of North East India. It is pertinent to mention here that North Mizoram District UPC is one of the 10 (ten) Districts of UPC North East India, and it is part and parcel of UPC North East India. There are 4 (four) administrative District of UPC within the State of Mizoram and the

rest are in different States of North East India. The Headquarter of UPC North East India is at Shillong and the General Superintendent is the head of the Organisation. Within each District of the UPC, there are many local Churches and the Plaintiff and UPC Tuikhuahtlang Aizawl, UPC Chandmary Aizawl and UPC Chaltlang Aizawl are 3 of the many local Churches within the North Mizoram District UPC. The plaintiff No. 1 has no right whatsoever to claim the properties of North Mizoram District UPC as his own. The Defendant further denies the statement made in Para 4 of the plaint and state that the plaintiff No. 2 (two) is not the owner of Misc. Pass No.48/1954 superceded by Misc Pass No.M.89/1954 which again was superceded by Misc Pass No.13/1970 located at Tuikhuahtlang, Aizawl. The plaintiff No.2 had left the unit church of UPC Tuikhuahtlang, Aizawl and is no longer a member of the said unit church of UPC. He has no locus standi to claim the said property. He is not the Chairman of the local church Board Committee, UPC Tuikhuahtlang, Aizawl as stated earlier. Further, the plaintiff No.2 has not been authorised to file suit by the local Church. Hence, the suit is liable to be dismissed even on this ground alone. The Defendant denies the statement made in Para 5 of the plaint and state that the plaintiff No. 3 is not the owner of the land and the church building of UPC located at Chanmari Aizawl registered under Misc Pass No.27 of 1972. The said land was purchased by the unit church of UPC Chanmari, Aizawl from Shri R. Thanga (L) for construction of church building. Accordingly, the church building was constructed by the UPC Chanmari, Aizawl and is being under reconstruction by the said church. Shri. Chalkunga is not the Chairman of Church Board Committee UPC Chanmari, Aizawl. He had left the said church sometime in September 1995 and is no longer the member of the said church. He has no *locus standi* to file this suit in his individual capacity and he is not authorised by the UPC Church Chanmari, Aizawl. Tht is liable to be dismissed even this ground alone. The Defendant also denies the statement made in Para 6 of the plaint and state that the plaintiff No. 4 is not the owner of land under Land Lease No. 6 of 1993, issued in favour of the Secretary of Church Board Committee UPC Chaltlang, Aizawl. The Church Building was constructed by the local church of UPC Chaltlang, Aizawl and some movable properties were also purchased by the said church. The plaintiff is not the Chairman of the Church Board Committee, UPC Chaltlang, Aizawl. He is also not authorised to file the suit on behalf of the said church and he has no right to claim the properties of the said church in his individual capacity. Hence, the suit is liable to be dismissed even on this ground. With regard to the statement made in Para 7 of the plaint, the answering Defendant states that the plaintiff No. 2,3 and 4 are no longer the members of the North Mizoram UPC since September 1995 as stated earlier. The plaintiff No. 1, 2, 3 and 4 have no right to claim the property of the aforesaid local Churches and the North Mizoram UPC. The Defendant denies the statement made in Para 8 of the plaint and state that there has never been “UPC of Mizoram”. There had been UPC in Mizoram, it was not “UPC of Mizoram” since 1950. It was functioning as a branch of UPC of India. In the year 1969, it was decided that the UPC of India was to be divided and the UPC of North East India comprising of 7 present states of North Eastern India. Accordingly, the UPC of North East India was formed and was duly registered under Societies Registration Act, 1860 and the Registration Number is 100 of 1969, dated 26/3/1969. All the then existing



member of UPC North East India. As stated earlier, the UPC of North East India was divided into 10 administrative Units. At present, there are 4 administrative Districts of UPC in the State of Mizoram: namely, UPC of North Mizoram District, Aizawl East District UPC, Lunglei District UPC and Chhimtuipui District UPC. In regards to the statement made in Para 9 of the plaint and state that the UPC of different States of North East India are part and parcel of UPC North East India. The different administrative Districts of UPC are not autonomous bodies, they are part and parcel of the UPC North East India. These administrative Districts of UPC have no separate legal entity and existence. All the properties of UPC, owned and acquired by the different administrative Districts of UPC and local churches of UPC are the properties of the UPC North East India even if the registration are made by the different administrative Districts or local churches of UPC. The statement made in Para 9 of the plaint is incorrect and misleading. Further, as stated earlier, there has never been "UPC of Mizoram. With regard to the statement made in Para 10 of the plaint, the answering defendant states that the registration of UPC North East India under Society Registration Act, 1860, whether applicable or not in Mizoram the UPC members of UPC North East India living within the state of Mizoram are the member of UPC North East India. As stated earlier, there has never been "UPC of Mizoram" and 'UPC of Mizoram' being un-existing, it has no property of its own. The plaintiffs filed this Suit in their individual capacity and they have no *locus standi* to claim the properties of UPC North East India and its administrative Districts as well as its Unit Churches. The defendant also state that the statement made in Para 11 of the plaint is denied by the answering defendant and state that the plaintiff No. 1 Rev. Chhunglawma is not the owner of movable or immovable properties of UPC North East India, North Mizoram District UPC and the local Churches under the North East India UPC. The plaintiff No. 2, 3 and 4, namely, Shri Lalnumawia, Shri Chalkunga and Shri Laldawngliana have no right and locus standi to claim the properties of UPC Tuikhuahtlang Aizawl, UPC Chanmari, Aizawl and UPC Chaltlang respectively. The plaintiff No. 1 Rev. Chhunglawma was one of the members of administrative District of UPC North East India, namely, North Mizoram UPC and he was Director of Mission Department under North Mizoram UPC and had been receiving salaries from the North Mizoram UPC till he left the North Mizoram UPC as well as UPC North East India in September, 1995. After he had left the defendant Church, he has no right to claim the properties of the Defendant Church. In respect of the statement made in Para 12 of the plaint, the defendant states that the plaintiff No. 1,2,3 and 4 have no right to claim the properties of the defendant Church, North Mizoram UPC, which is one of the administrative Districts of the plaintiff Church. The creation of Aizawl East District UPC was with the consent of North Mizoram District UPC. The District Superintendent of North Mizoram District UPC at the time of creation of the Aizawl East District UPC was Rev. R. Thangliana, who is still continuing as the District Superintendent of the said District. As stated earlier, there has never been any Church called "UPC of Mizoram" and the plaintiff No. 1, 2, d and 4 have no right whatsoever to interfere with the managements and use of the properties of the North East India UPC North Mizoram District UPC and the said local Churches. The defendant denies the statement made in Para 13 of the plaint, and state that the properties mentioned in Para 3 of

the plaintiff are not under the possession of the plaintiff No. 1. They are not under the possession of the North Mizoram UPC and the defendant No. 1. And the properties mentioned in Para 4 of the plaintiff were under the possession of the Church Board of UPC Tuikhuahtlang, Aizawl, UPC Chanmari Aizawl, UPC Chaltlang Aizawl, respectively till they were taken over by the District Magistrate. The defendant also denies the statement made in Para 15 of the plaintiff and states that the plaintiffs were not allotted sites for construction of Church building by the Revenue Department. The site allotments of the different plots of land for the purpose of Church building were made to the local Churches UPC mentioned above and to the defendant Church. The allotments of Misc. Pass No. 48 of 1954, Misc. Pass No. M.89 of 1954 and Misc Pass No. 13 of 1970 were allotted to the United Pentecostal Church, Aizawl, before the formation of UPC North East India and North Mizoram UPC. And when UPC North East India was formed, all the members of the then UPC living within the Mizoram District became the member of UPC North East India and the properties already acquired by them were taken over by the UPC North East India. The defendant further states that the Plaintiff are not the legal owner of the properties of UPC of North East India. The UPC North East India, the North Mizoram District UPC and the Local Churches of Tuikhuahtlang, Chandmary and Chaltlang are the owner of all the properties of UPC within North Mizoram District UPC including the Headquarters. And they are in the possession of UPC North East India, North Mizoram District UPC and the said local Churches. The statement made by the Plaintiff are incorrect and misleading. With regard to the statement made in para 16 of the plaintiff, the defendant states that the plaintiffs are not the owner of the properties of UPC and Taxes and Revenue payable in respect of the landed properties of UPC within North Mizoram District are paid by North Mizoram District and said local Churches. The plaintiff No. 1 to 4 had never paid the said Taxes and Revenue. With regard to the statement made in para 17 and 18 of the plaintiff, the defendant states that the moment the plaintiff No, 1 to 4 left the UPC North Mizoram District UPC and said local churches in 1995, they have no right to claim the properties mentioned earlier. And the plaintiff have no cause of action and *locus standi* to file this suit. The defendant No. 1 further states that the member of the UPC of North East India within Aizawl District would be not less than 40,000 (forty thousand) and within North Mizoram District UPC alone there are more that 20,000 (twenty thousand) members. Further, there are more than 100 local churches within North Mizoram District UPC. Furthermore, there are more than 100 members in the local churches of UPC Tuikhuahtlang, Chandmary and Chaltlang each. Hence, the claim of the properties of UPC North East India situated within North Mizoram District UPC and the said 3 local Churches by the plaintiff No. 1 to 4 individually is most illogical unreasonable and without any right. As such, the Suit is without any merit not mentionable, and liable to be dismissed with cost. The defendant therefore pray to dismiss the suit with cost and declare the defendant, North Mizoram District UPC and the local Churches of UPC Chaltlang, Chandmary and Tuikhuahtlang to be the owner of the properties claimed by the plaintiff No. 1 to 4 jointly. And restrain the plaintiff No. 1 to 4 from disturbing the possession of these properties by the defendant, North Mizoram District UPC, and the aforesaid local churches.

## ISSUES

On the basis of the pleadings of both sides, the issues were framed on 16.4.1998 and by virtue of O. XIV, R. 5 of the CPC, the issues were slightly amended and the amended form of issues are as follows -

1. Whether the suit is bad for non-joinder of parties.
2. Whether the suit is barred by limitation.
3. Whether the suit is barred by the principles of estoppel, acquiescence and *res-judicata*.
4. Whether the suit is bad for improper valuation of the suit property.
5. Whether the suit is bad for not giving notice u/s 80 CPC.
6. Whether the plaintiffs have any *locus standi* to file the suit.
7. Whether the plaintiffs were part of the UPC, North East India.
8. Whether the plaintiffs left the UPC, North East India and formed a separate Church. If so, why and when?
9. Whether the UPC of North East India on the basis of its registration under the Societies Registration Act, 1860 in 1969 can claim the disputed properties as its own or through their units in Mizoram and whether the Bye Laws of the UPC of North East India is applicable in the instant case.
10. Whether the suit properties are belonging to the plaintiffs or to the Defendants. If so, on what basis.
11. Whether the plaintiffs are entitled to the reliefs claimed. If so to what extend.

## BRIEF ACCOUNT OF EVIDENCE

### For the plaintiff No. 1:

The plaintiff had produced only one witness namely- Rev. Chhunglawma S/o Kapchhunga (L), Tuikhuahtlang, Aizawl (Hereinafter referred to as PW of Plaintiff No. 1). In his examination in chief, he deposed that he is presently the General Superintendent of Mizoram UPC. At the time of filing of the suit, he was the District Superintendent of North Mizoram District of UPC. In the previous, they had filed a suit separately by various plaintiffs, but as they found that the instant form and style to club together of the plaintiffs is more appropriated, they done the same. In his position as District Superintendent of North Mizoram District of UPC, he claims the suit properties such as (i) the District Headquarters Office building (ii) Printing Press and its building (iii) Bookroom with the building and all volumes of the books and other moveable properties (iv) Sunday School building under Pass No. 8 of 1986 located at Mualpui- Aizawl, a plot of land located at Kawlthei Huan, Mission Veng- Aizawl and (v) Two vehicles

(Gypsy B/R No. ZRA/0051 and Maruti Car- MZ-01/2465 and (vi) all the Pastor quarters within the N. Mizoram District UPC. Sometimes in the year of 1948-1949, there was a charismatic movement in Mizoram which had finally taken its shape as UPC and started functioning with effect from 1950 till date. Due to MNF insurgency during 1966, the UPC of North East India was formed and also got registration under the Societies Registration Act at the erstwhile state of Assam but the UPC of Mizoram did not have any registration as against by the defendant. As per the Bye laws of UPC of North East India, all the properties belonging to UPC of North East India will be put in the name of the General Secretary of the UPC of North East India, but only Orphanage Home (Building and land) at Kolasib is put in the name of the General Secretary of the UPC of North East India. The properties claimed by him were procured by the members of the UPC since 1950 and the defendant and his members did not have any contribution for procurement of the same. The claimed immovable properties like District Headquarters office building, Printing Press, Book room and the headquarters office are put under lock and key as on today. Out of Pastor quarters, those at Tuikhuahtlang, Chaltlang, Durtlang, Bukpui, Kawnpui, West Phaileng, Kawrthah are being occupied by the Pastors of UPC of Mizoram while those at Bairabi, Mamit, Reiek, Sialsuk, Aibawk, Thenzawl are under occupation of the Pastors of UPC of North East India. The Pastor quarters at Lengpui, Kolasib, Bilkhawthlir, Vairengte and Dinthar (Now under construction) are under lock and key. The Sunday School building which is being used for running PG High School managed by the members of the UPC of North East during the week days is used by them for having Sunday School on every Sunday. The said two vehicles viz. Gypsy and Maruti Car were sold by the members of the UPC of North East India without the knowledge and prior permission of the authorities of the UPC of Mizoram which were registered in the name of the UPC of North Mizoram. Although a complaint was filed and directed the defendant to deposit the sale proceeds to the court, the defendant remain fails to deposit the same till date. In regards to acquisition and maintenance of the disputed properties, the District Boards are only responsible and done the same. In respect of the Section (Bial) concerned, the Section Board are responsible and in regards to local church properties, the Local Church Board are also responsible. The defendant as UPC of North East India has never interfere and have contribution for acquisition and maintenance of the disputed properties. In respect of propagation of doctrine and faith, the UPC of Mizoram and the UPC of North East India are similar in nature and worked together w.e.f. 1969 till the year of 1995 when split into. They rather contributed 1/10<sup>th</sup> of tithe to the defendant to show their brotherhood as the spirit of cooperation with the defendant no. 1.

Ext. P- 1 is a copy of Pass No. Misc. 48 of 1954 issued by the District Council authorities in the name of the UPC, Aijal for building and office building within the then existing Church building.

Ext. P- 2 is a copy of Misc. Pass No. M/89 of 1954 in supersession of the previous Pass No. Misc 48 of 1954.

Ext. P- 3 is a copy of the letter No. E.P. 7/AT/64/195-98 Dt. 11-1-1964 extending the area of the land earlier allotted to the Mizoram UPC as indicated in the said letter.

Ext. P- 4 is a letter sent to the Deputy Registrar of Firms and Societies, Govt. of Mizoram by the Under Secy. to the Govt. of Mizoram, Excise and Narcotics Department informing about grant of registration under the registration to United Pentecostal Church of Mizoram vide, letter No. B. 14011/2/92- RFS/93, Dated Aizawl, the 22<sup>nd</sup> December, 1995.

Ext. P- 4 is a copy of the Misc. Pass No. 13 of 1970 in supersession of Misc Pass No. M. 89 of 1954

He further deposed that the properties mentioned by him as exhibited or not were never register in the name of the defendant

In his cross examination, he deposed that he had filed the instant suit on behalf of the UPC of Mizoram, he joined UPC since his childhood. He was ordained as Pastor on 7<sup>th</sup> June, 1986. He declined to file the instant suit in his own capacity.

In his re-examination, he further deposed that the area covered by the North Mizoram district of UPC covers-

In the north- upto Manipur boundary  
 In the West- upto Cachar boundary at Vairengte  
 In the East- upto Burma boundary  
 In the South- upto original Aizawl District and Lunglei District

For the Plaintiff No. 2:

The plaintiff no. 2 had produced the following witnesses namely-

1. Mr. Lalnunmawia S/o Lalhluna (L), Bungkawn- Aizawl (Hereinafter referred to as PW-1 of the plaintiff no. 2).
2. Upa R. Lallawmzuala S/o Upa Rolala (L), Model Veng- Aizawl (Hereinafter referred to as PW-2 of the plaintiff no. 2).

The **PW-1 of plaintiff No. 2** in his examination in chief deposed that for the first UPC in the North East India, it was on 19<sup>th</sup> Feb., 1950, UPC was established at Aizawl under the supervision of Rev. Zakamlova. As applied by Mr. Zakamlova, land was allotted by the then Deputy Commissioner of Aizawl at Tuikhuahtlang- Aizawl. After that, the District Council authorities also allotted other sites for the UPC. The said Headquarters location at Tuikhuahtlang was subsequently constructed and occupied in 1953. It was later reconstructed and after continued reconstruct in 1982 and occupied the new building in 1984. The name of church building at Tuikhuahtlang was called as 'Headquarters church' and remains known it as the same. Being autonomy, the Church Board is the sole authorities on the properties in the Headquarters church till date and none interfere in the same. Although worked together towards faith, belief and mission of the UPC of North East India and the North Mizoram District UPC, the headquarters

church remains under the authority of the Church Board. The tie up of Headquarters UPC with North East India UPC through North Mizoram District was lasted on 6<sup>th</sup> August, 1995 as a result of fraction started during 1992. It was again separately managed as a Local Church. Whilst servicing in the said Church, the North Mizoram District UPC under the Superintendent of Rev. R. Thangliana in collaboration with the North East India, UPC disturbed their peaceful servicing on 8<sup>th</sup> Sept., 1995. Subsequently, the authorities in the government thereby put under lock and key of the said church building. At that time during 1995, he was the Chairman of the Local UPC Church in the said Headquarter. The UPC of North East India lately established on 20<sup>th</sup> March, 1969 did not have locus standi to claim the properties solely belonging to the UPC Headquarters as they never tie up with the church building and land located therein except on the zeal of faith, belief and mission. He further deposed that the UPC of North East India having Headquarter at Shillong did not have any locus standi at all in respect of properties acquired and owned in the state of Mizoram as per the existing Land laws.

In his cross examination, he deposed that in 1990, he joined the UPC of North Mizoram District. He knows nothing about the contribution of UPC International Headquarter for construction of Headquarters church at Tuikhuahtlang. He also knows nothing about the financial assistance of the UPC of North East India, General Headquarters to North Mizoram District Headquarters. After he joined UPC, he knew that the Superintendent of UPC of North Mizoram District was Mr. Saihnuna. He did not remember when Mr. Saihnuna was retired from active service. He knows that Mr. Chhunglawma is the General Superintendent of UPC of Mizoram. In the year 1996, he was the Chairman of Headquarters Local Church Board Committee, UPC Headquarters, Tuikhuahtlang. Except Ext. P- 4, he cannot produce any other document to show title to the church building. He admitted that the UPC was formed in Mizoram after E.L. Scism came to Mizoram. In his knowledge, the head at a district level is the Superintendent. So far as his knowledge concerned, the UPC of Mizoram is started since 1995 when bifurcation from the UPC of North East India. He admitted that the Bye Laws of UPC of Mizoram was made in 1995 before they applied for registration. So far as his knowledge concerned the General Headquarters of UPC of North East India was shifted from Shillong to Aizawl.

The **PW-2 of plaintiff No. 2** in his examination in chief, he deposed that for the first UPC in the North East India, it was on 19<sup>th</sup> Feb., 1950, UPC was established at Aizawl under the supervision of Rev. Zakamlova. As applied by Mr. Zakamlova, land was allotted by the then Deputy Commissioner of Aizawl at Tuikhuahtlang- Aizawl. After that, the District Council authorities also allotted other sites for the UPC. The said Headquarters location at Tuikhuahtlang was subsequently constructed and occupied in 1953. It was later reconstructed and after continued reconstruct in 1982 and occupied the new building in 1984. The name of church building at Tuikhuahtlang was called as 'Headquarters church' and remains known it as the same. Being autonomy, the Church Board is the sole authorities on the properties in the Headquarters church till date and

none interfere in the same. Although worked together towards faith, belief and mission of the UPC of North East India and the North Mizoram District UPC, the headquarters church remains under the authority of the Church Board. The tie up of Headquarters UPC with North East India UPC through North Mizoram District was lasted on 6<sup>th</sup> August, 1995 as a result of fraction started during 1992. It was again separately managed as a Local Church. Whilst servicing in the said Church, the North Mizoram District UPC under the Superintendent of Rev. R. Thangliana in collaboration with the North East India, UPC disturbed their peaceful servicing on 8<sup>th</sup> Sept., 1995. Subsequently, the authorities in the government thereby put under lock and key of the said church building. At that time during 1995, he was the Chairman of the Local UPC Church in the said Headquarter. The UPC of North East India lately established on 20<sup>th</sup> March, 1969 did not have locus standi to claim the properties solely belonging to the UPC Headquarters as they never tie up with the church building and land located therein except on the zeal of faith, belief and mission. He further deposed that the UPC of North East India having Headquarter at Shillong did not have any locus standi at all in respect of properties acquired and owned in the state of Mizoram as per the existing Land laws.

In his cross examination, he deposed that he is the nephew of Mr. Saihnuna and did not know the time when Mr. Saihnuna was ordained as Pastor of UPC. He was an employee as clerical staff of the UPC of North East India in North Mizoram District since 1988 till UPC of Mizoram was formed. He was appointed as cashier during Rev. Lalrinsanga was the District Treasurer. He started attending in the church service of UPC since childhood at the age of 9 years old. Although he knows Pastor R. Thangliana, he do not know whether he was the Pastor of Headquarter church at Tuikhuahtlang. He also did not know the Pastor in charge of Headquarter church in the year of 1974 and 1988. He started service as Church Elder after forming UPC of Mizoram. Since 1995, the church building was put under lock and key. He admitted that the North Mizoram District of UPC was one of the districts under UPC of North East India. He did not know that whether the UPC of North East India has been worshipping at Tuikhuahtlang or not.

For the plaintiff No. 3:

The plaintiff no. 3 had produced only one witness namely- Mr. C. Chalkunga S/o Rochhunga (L), Chanmari- Aizawl (hereinafter referred to as PW of the plaintiff No. 3). In his examination in chief, he deposed that he is converted into UPC since the year 1960 and remains till date. During 1970, although UPC church was established at Chanmari, Aizawl, they did not have a building and thereby used the building of Mr. Zadinga at Chanmari for church service. In the early part of 1972, they had purchased a land under Pass No. 203 of 1972 from one Mr. R. Thanga for construction of church building. As requested, the Revenue authorities issued Misc Pass No. 27/72 for the UPC, Chanmari Veng. The church building subsequently constructed was inaugurated on 15/2/1976 and occupying the same. The members of the said church was only morethan 100. As too old, by availing loan from MUCO Bank Ltd., they re-constructed the said church building

and also already liquidated the bank loan. After finishing construction upto electric wiring, fitting of windows and doors but not yet finishing the plastering of the floor, the UPC of North East India disturbed them from their peaceful possession, the said church was therefore closed in 1995 and remains closed till date. During 1969 when covenanted for work together with the other North East people, the UPC got registration as society. Meanwhile, they never indulge with the UPC of North East India in respect of their properties except on their belief and faith. The UPC of North East India neither interfere in their independency in the suit properties nor having contribution for the suit properties. The Church Board Committee alone is authority on the disputes church building and properties. Before split from the North East India UPC during 1995 and ceasing of cooperation, the Pastor of the UPC of North East India also look after them in respect of their mission, the salary and allowances of the said Pastor was also borne by them through 1/10<sup>th</sup> donations given by them. After ceasing cooperation, they also ceased to engage with their Pastor and also never paid their salaries. As their church building used to church service was closed, they practiced church service in other place. During work together with the North East UPC, their Pastor also received training under them, their Pastors were also appointed as recommended by the District Board, the Church Elder were also appointed as directly appointed by the Pastor or elected by the members concerned with the consent of the Pastor. It never indicates that the UPC of North East India involved with the local church property. The sole properties belonging to the UPC of North East India is Orphanage Home at Kolasib. Ext. P- 5 is a copy of the Misc Pass No. 27/1972 wherein the church building of the UPC of Chanmari Veng is located.

In his cross examination, he deposed that since 1970 as shifted to Chanmari, he was enrolled as member of the UPC, Chanmari locality. After separation from the UPC of North East India, their Pastors concerned were (i) Pastor R.T. Saihnuna (L) (ii) Rev. Saihnuna (iii) Rev. Saikunga, (iii) Rev. Chhunglawma. All those Pastors were ordained by the UPC of North East India. Rev. Saihnuna was the Superintendent of UPC, Aizawl District when merged with the UPC of North East India. After the UPC of Mizoram was formed, he became the Chairman of the Church Board and he continued to be the Chairman of Church Board of Chanmari local Church till 2004. He admitted that UPC in Mizoram was formed by E.L. Scism in the year of 1950. He also admitted as a fact that for the sake of administrative convenience, the UPC of North East India was formed having its headquarters at Shillong and the entire administration of UPC in Mizoram was also under the General Superintendent of UPC, North East India stationed at Shillong. Before split into two in 1995, they also followed the Bye Laws and Constitution passed by the UPC of North East India, they thereafter have a separate bye laws and constitutions after the said split. In the local levels, after split into two, there are parallel UPC churches of the North East India and the Mizoram so also in Chanmari locality. After split of the UPC into two, the Chanmari church of UPC, Mizoram had purchased a plot of land and building and they are attending church service in the said new building.



For the plaintiff no. 4:

The plaintiff no. 4 had produced the following witnesses as follows-

1. Upa Lalrinawma Sailo S/o Lalzarmawia Sailo, Chaltlang- Aizawl (Hereinafter referred to as PW-1 of the plaintiff no. 4)
2. Tual Upa Ramherliana S/o Thangluaia (L), Chaltlang- Aizawl (Hereinafter referred to as PW-2 of the plaintiff no. 4)
3. Laldawngliana S/o P.C. Chawngbula (L), Chaltlang- Aizawl (Hereinafter referred to as PW-3 of the plaintiff no. 4)
4. Upa R. Lalropuia S/o R. Sangkhuma (L), Chaltlang- Aizawl (Hereinafter referred to as PW-4 of the plaintiff no. 4)
5. Upa K. Lianzamva S/o Thangluaia (L), Chaltlang- Aizawl (Hereinafter referred to as PW-5 of the plaintiff no. 4)
6. Tirhkoh Lalsanglura S/o Thangthuama (L), Chaltlang- Aizawl (Hereinafter referred to as PW-6 of the plaintiff no. 4)
7. Upa L.C. Hima Ngente S/o Vanthuama (L), Chaltlang- Aizawl (Hereinafter referred to as PW-7 of the plaintiff no. 4)
8. Tirhkoh K. Vanlalhluna S/o Ngurnghakliana (L), Chaltlang- Aizawl (Hereinafter referred to as PW-8 of the plaintiff no. 4)
9. Upa H. Lalropuia S/o Rev. Lalbiakkunga (L), Chaltlang- Aizawl (Hereinafter referred to as PW-9 of the plaintiff no. 4)
10. Upa H. Zosangliana S/o Upa H. Zirliana, Chaltlang- Aizawl (Hereinafter referred to as PW-10 of the plaintiff no. 4)

The **PW- 1 of plaintiff no. 4** in his examination in chief deposed that he was born and lived at Chaltlang, during splitting of the UPC, he was the Asst. Secretary in PYD and teacher in Child section Sunday School, during construction of the disputed church building, he voluntarily involved in community work for the said construction. He knows only UPC at Chaltlang before split into UPC of North East India and UPC of Mizoram. He was elected as Church elder in 2009 and was also Tual Upa for about 6 years. During 1995, one night, the UPC of North East leaders entered into their church during church service by taking police force, the Chairmanship was also fought by parties, as endanger of riot, the police force put under lock and key of the same till date. After locking of the church in 1995, they used to conduct church service by a rented private house till construction of the church building in 2000. Now they occupied a separate church building by purchasing a new plot of land by the UPC of Mizoram. The disputed church land was purchased at Rs. 500/- in 1959 from Mr. Vuttaia, at that time, the UPC of North East India was pre natal. The then Village Council pass was converted into Misc Pass No. 61 of 1976 and presently under DPL No. 6 of 1993 put in the name of Secretary, UPC, Chaltlang as he had traced from the church record. As per the Bye laws of UPC of North East India, their properties should be put in the name of their General Secretary, but in the disputed church building, it was not put in the name of General Secretary of UPC of North East India. Being a Secretary in the church, he affirmed that they themselves paid revenue taxes for the same regularly. As the same faith and doctrine, they employed the Pastor of UPC of North East India for the purpose of marriage, funeral ceremony, baptism of the child etc. Being merely employee, the North East India UPC do not have *locus standi* to

dispute with the instant church. After ceasing their employment, their connection with the UPC of North East India also automatically ceased. They never transfer ownership of the disputed church to anybody including the UPC of North East India having registration in other state.

During his cross examination, he deposed that his parents were also a member of UPC. Before forming of the UPC of Mizoram, their donation (Pathian ram) was used to hand over to the Pastor In Charge of Chaltlang UPC but he did not knows where it goes ahead. He denied that the suit properties is belonging to the UPC of North East India and also denied that during 1994-1995, some of them left the UPC of North East India by forming UPC of Mizoram.

The **PW- 2 of plaintiff no. 4** in his examination in chief deposed that he was born on 16.12.1968 at Darngawn village belonging to UPC even from his parents. Since 1987 when migrated into Aizawl, they dwelled at Chaltlang locality continuously. He was a member of UPC, Chaltlang at the time of outright locking of the church, since 1998, he is a Tual Upa in the church service. The disputed church land was purchased at Rs. 500/- in 1959 from Mr. Vuttaia, at that time, the UPC of North East India was pre natal. The then Village Council pass was converted into Misc Pass No. 61 of 1976 and presently under DPL No. 6 of 1993 put in the name of Secretary, UPC, Chaltlang as he had traced from the church record. As per the Bye laws of UPC of North East India, their properties should be put in the name of their General Secretary, but in the disputed church building, it was not put in the name of General Secretary of UPC of North East India. He also affirmed that they themselves paid revenue taxes for the same regularly. As the same faith and doctrine, they employed the Pastor of UPC of North East India for the purpose of marriage, funeral ceremony, baptism of the child etc. Being merely employee, the North East India UPC do not have *locus standi* to dispute with the instant church. After ceasing their employment, their connection with the UPC of North East India also automatically ceased. He also denied that at any point of time, there was an agreement to work together with the UPC of North East India. The obligatory of the UPC of North East India is to go back to their original state.

During his cross examination, he deposed that he was baptized by Rev. Lalrinsanga and used to be a Secretary of PYD after UPC of Mizoram is being formed. He had gone through a bit of the constitution of UPC of North East India. Their donation (Pathian ram) was used to hand over to the Pastor In Charge of Chaltlang UPC but he did not knows where it goes ahead. Before 1995, they had different Pastors namely- Rev. K. Lianzama (L), Rev. Lalbiakkunga (L) and Rev. Lalthanzuala, Rev. Lalthanzuala is not with UPC of Mizoram. At present Pastor in charge at Chaltlang is Rev. Vanlalfela Sailo, his salary is paid by the Headquarters UPC of Mizoram but he did not knows that who paid the salary of the Pastors before 1995. Being the Chairman of the Church Board Committee, Chaltlang, Pu Laldawngliana had filed the instant suit. He denied that the disputed properties is belonging to the Unit Church of UPC of North East and also denied that during 1994-1995, some of them left the UPC of North East

India by forming UPC of Mizoram. He also denied that at any point of time, there was an agreement to work together with the UPC of North East India.

The **PW- 3 of plaintiff no. 4** in his examination in chief deposed that he held various post in the UPC of Chaltlang local church and he remains church elder till date. He was also the Chairman of Church Committee during 1994-1995. On 18<sup>th</sup> May, 1958, the UPC of Chaltlang was formed, it was emerged due to organized of the persons who seriously touched by the Holy Ghost, no other authority involved in its existence. At that time, the UPC of North East India was not yet existed. The disputed land was purchased by them from Mr. Vuttaia at Rs. 500/- and forthwith constructed church building in 1959 at 24 ft length and 15 ft breadth, it was reconstructed by Assam type and latter in RCC building. The Government also allotted the land under Lease No. 6 of 1993 solely on the basis of their application and none interfere in its acquisition. In 1969, the UPC headed by Rev. Zakamlova merged with the UPC of North East India, but they never hand over the suit properties to others including the UPC of North East India. The Church Committee of UPC, Chaltlang ceased to cooperate the UPC of North East India on 8.9.1995 due to serious enmity with the UPC of North East India. As resolute by the committee of the UPC of Chaltlang, the instant suit is file in his name.

In his cross examination, he deposed that his father was a licensed Minister in the UPC of North East India and continued to be so till his death in the year of 2009. He was baptized by Oscar Vouger and so far as his knowledge concerned, he was a Pastor under UPC International. When he returned back to Mizoram in 1989, the Pastor in charge at Chaltlang UPC was Rev. Lalbiakkunga and he was retired from UPC of North East India. So far as his knowledge concerned, the Revenue Pass for the disputed land was issued in the name of the Secretary, UPC, Chaltlang- Aizawl but he did not know that who is in possession of the said pass. In the year 2000, the UPC of Mizoram, Chaltlang had purchased a plot of land, constructed a church building and worshipping in the said church building till date. The original UPC Church building at Chaltlang is under lock and key. He admitted that in the sphere of administration, the UPC in Mizoram was under the General Superintendent of UPC, North East India. Before construction of the new church building of UPC Mizoram at Chaltlang, they used to worship in a rented private houses. At present Pastor H. Vanlaltlana is the Pastor in charge of their church at Chaltlang. Before 1995, the UPC in Mizoram were governed by the Constitution of UPC of the North East.

The **PW- 4 of plaintiff no. 4** in his examination in chief deposed that since parents, they are the UPC. During 1958 when existence of the UPC, Chaltlang, he was not born. They were migrated to Chaltlang- Aizawl from Champhai in 1991. The disputed church land was purchased at Rs. 500/- in 1959 from Mr. Vuttaia, at that time, the UPC of North East India was pre natal. The then Village Council pass was converted into Misc Pass No. 61 of 1976 and presently under DPL No. 6 of 1993 put in the name of Secretary, UPC, Chaltlang as he had traced from the church record. The main authority in the church is the Church Committee in the UPC system. Their properties were also therefore put in the name of their Secretary. As the

UPC of North East disturbed their church service in 1995, they had instituted the instant suit for claiming title. At the relevant time, they cooperate with the UPC of North East India but due to serious enmity in leadership which is also harmful for their church, they secede from coordination with the UPC of North East India w.e.f. 8/9/95. After disturbance in 1997, he was elected at the Tual Upa and again elected into Church Elder in 1999. As per the constitution adopted by the UPC of North East India, their properties will be manned in the name of the General Secretary but in the instant disputed property, it remains put in the name of the Secretary of the Church concerned.

In his cross examination, he deposed that when he migrated to Chaltlang- Aizawl from Champhai, there was UPC church building at Chaltlang. He was baptized by the Pastor Lalkhawchhana who is the UPC of North East. As the disputed property is put under lock and key, they had constructed another church building and worshipping in the said building since 2000. When the UPC of Mizoram was formed, the General Superintendent of Mizoram UPC was Rev. R.T. Saihnuna (L).

The **PW- 5 of plaintiff no. 4** in his examination in chief deposed that he was born in 28/8/1939 and converted into UPC in the year of 1961 and he forthwith the Church Elder in the UPC since 1961. Since 14/3/1982 when migrated into Aizawl from Thingsulthliah, he continuously stayed at Chaltlang, Aizawl and also remains Church Elder till date. Before existence of the UPC of North East India, they purchased a plot of land from one Mr. Vuttaia at Rs. 500/- in 1959 for the purpose of UPC church building. The then Village Council pass was converted into Misc Pass No. 61 of 1976 and presently under DPL No. 6 of 1993 put in the name of Secretary, UPC, Chaltlang as he had traced from the church record. The main authority in the church is the Church Committee in the UPC system. Their properties were also therefore put in the name of their Secretary. As the UPC of North East disturbed their church service in 1995, they had instituted the instant suit for claiming title. At the relevant time, they cooperate with the UPC of North East India but due to serious enmity in leadership which is also harmful for their church, they secede from coordination with the UPC of North East India w.e.f. 8/9/95. After disturbance in 1997, he was elected at the Tual Upa and again elected into Church Elder in 1999. As per the constitution adopted by the UPC of North East India, their properties will be manned in the name of the General Secretary but in the instant disputed property, it remains put in the name of the Secretary of the Church concerned.

In his cross examination, he deposed that in the year of 1982, the General Superintendent of UPC was Rev. Saihnuna. After forming of UPC of Mizoram, they used to perform church service in a rented private houses till having a separate church building in 2000. The UPC of Mizoram did not have any registration under the existing Act and Rules. He did not know that the landed documents are in whose possession. He denied that the UPC of Mizoram is separated from the UPC of North East India leaving the UPC of North East and he also denied that Chaltlang Unit of UPC was a part of UPC of North East India. He also denied that before forming of UPC of

Mizoram, the church and their properties were governed by the constitution and bye laws of UPC of North East India.

The **PW- 6 of plaintiff no. 4** in his examination in chief deposed that he was born at Sialhau and joined UPC in 1968 when he was lived at Chhiahtlang. The disputed church land was purchased at Rs. 500/- in 1959 from Mr. Vuttaia, at that time, the UPC of North East India was pre natal. The then Village Council pass was converted into Misc Pass No. 61 of 1976 and presently under DPL No. 6 of 1993 put in the name of Secretary, UPC, Chaltlang as he had traced from the church record. As per the Bye laws of UPC of North East India, their properties should be put in the name of their General Secretary, but in the disputed church building, it was not put in the name of General Secretary of UPC of North East India. He also affirmed that they themselves paid revenue taxes for the same regularly. As the same faith and doctrine, they employed the Pastor of UPC of North East India for the purpose of marriage, funeral ceremony, baptism of the child etc. Being merely employee, the North East India UPC do not have *locus standi* to dispute with the instant church. After ceasing their employment, their connection with the UPC of North East India also automatically ceased. They never transfer ownership of the disputed church to anybody including the UPC of North East India having registration in other state.

In his cross examination, he deposed that since 1992, he stayed at Chaltlang- Aizawl and he is not a part of UPC of North East India. The UPC of Mizoram does not have any registration as a society/firms. He knows that the UPC of Mizoram had acquired their own church in 2000 before that they used to perform church service in a rented private houses. He did not know that the landed documents are in whose possession. He denied that the UPC of Mizoram is separated from the UPC of North East India leaving the UPC of North East.

The **PW- 7 of plaintiff no. 4** in his examination in chief deposed that he was born at Darngawn West and joined UPC in 1988. He stayed at Chaltlang since 1984 when migrated into Aizawl. At the time of drastically locking of the church, he was Tual Upa in the UPC of Chaltlang Unit and President in the PYD. Since 2000, he is Church Elder till date. The disputed church land was purchased at Rs. 500/- in 1959 from Mr. Vuttaia, at that time, the UPC of North East India was pre natal. The then Village Council pass was converted into Misc Pass No. 61 of 1976 and presently under DPL No. 6 of 1993 put in the name of Secretary, UPC, Chaltlang as he had traced from the church record. As per the Bye laws of UPC of North East India, their properties should be put in the name of their General Secretary, but in the disputed church building, it was not put in the name of General Secretary of UPC of North East India. He also affirmed that they themselves paid revenue taxes for the same regularly. As the same faith and doctrine, they employed the Pastor of UPC of North East India for the purpose of marriage, funeral ceremony, baptism of the child etc. Being merely employee, the North East India UPC do not have *locus standi* to dispute with the instant church. After ceasing their employment, their connection with the UPC of North East India also automatically ceased. They never transfer

ownership of the disputed church to anybody including the UPC of North East India having registration in other state.

In his cross examination, he deposed that his marriage was solemnized by Rev. Lalrinsanga in 1990 at Chaltlang but he did not know his post and designations. Presently, Rev. Chhunglawma is the General Superintendent of UPC of Mizoram. He has not seen any agreement to work together with the UPC of North East India. He denied that due to leaving of UPC of North East India by some of its members, the church building is put under lock and key.

The **PW- 8 of plaintiff no. 4** in his examination in chief deposed that he was born at Sihphir Neihbawih on 2/2/1958 and joined UPC in 1977. He stayed at Chaltlang since 1984 when migrated into Aizawl. At the time of drastically locking of the church, he was Licensed Evangelist under the UPC of North East India, he alone is the member of UPC of North East India at the time of locking UPC church at Chaltlang. Since he himself also left UPC of North East India, none member of the UPC of North East India remains at Chaltlang. The disputed church land was purchased at Rs. 500/- in 1959 from Mr. Vuttaia, at that time, the UPC of North East India was pre natal. The then Village Council pass was converted into Misc Pass No. 61 of 1976 and presently under DPL No. 6 of 1993 put in the name of Secretary, UPC, Chaltlang as he had traced from the church record. As per the Bye laws of UPC of North East India, their properties should be put in the name of their General Secretary, but in the disputed church building, it was not put in the name of General Secretary of UPC of North East India. He also affirmed that they themselves paid revenue taxes for the same regularly. As the same faith and doctrine, they employed the Pastor of UPC of North East India for the purpose of marriage, funeral ceremony, baptism of the child etc. Being merely employee, the North East India UPC do not have *locus standi* to dispute with the instant church. After ceasing their employment, their connection with the UPC of North East India also automatically ceased. They never transfer ownership of the disputed church to anybody including the UPC of North East India having registration in other state.

In his cross examination, he deposed that on 17<sup>th</sup> Oct., 1979 he applied for obtaining certificate for functioning as Evangelist to the UPC of North East India and thereby granted the same to him on 14<sup>th</sup> March, 1980 by the General Superintendent of UPC of North East India. In some special occasions, he knows that the Pastors from UPC at USA visited them as having headquarters at Hazelwood, USA. Only the Pastors who were appointed by the headquarters could get salary from the headquarters. Since 1995, the license granted by the UPC of North East India was not recognized by the UPC of Mizoram and he therefore got a fresh certificate from the General Headquarters of the UPC of Mizoram. Under UPC of Mizoram, there are eight districts. He admitted that during 2000, the UPC of Mizoram had got a land for constructing a church building.

The **PW- 9 of plaintiff no. 4** in his examination in chief deposed that he was born at Kolasib on 10/10/1963 and members of the UPC since parents. He stayed at Chaltlang since 1981 when migrated into Aizawl. At

the time of drastically locking of the church, he was a Tual Upa in the UPC. After forming UPC of Mizoram, he is elected as the Church Elder and also held the post of Secretary at the local church. The disputed church land was purchased at Rs. 500/- in 1959 from Mr. Vuttaia, at that time, the UPC of North East India was pre natal. The then Village Council pass was converted into Misc Pass No. 61 of 1976 and presently under DPL No. 6 of 1993 put in the name of Secretary, UPC, Chaltlang as he had traced from the church record. As per the Bye laws of UPC of North East India, their properties should be put in the name of their General Secretary, but in the disputed church building, it was not put in the name of General Secretary of UPC of North East India. He also affirmed that they themselves paid revenue taxes for the same regularly. As the same faith and doctrine, they employed the Pastor of UPC of North East India for the purpose of marriage, funeral ceremony, baptism of the child etc. Being merely employee, the North East India UPC do not have *locus standi* to dispute with the instant church. After ceasing their employment, their connection with the UPC of North East India also automatically ceased. They never transfer ownership of the disputed church to anybody including the UPC of North East India having registration in other state.

In his cross examination, he deposed that till his retirement, his father was the Pastor of UPC of North East India. So far as his knowledge concerned, the UPC church at Chaltlang was established in 1958. Before they had constructed a new church building in 2002, they used to perform church service in a rented private houses.

The **PW- 10 of plaintiff no. 4** in his examination in chief deposed that he was born at Thakthing Damveng on 5/9/1958 and members of the UPC since parents. He stayed at Chaltlang since 1998 when shifted into Chaltlang in their own house. At the time of drastically locking of the church, they performed church service in their private building. During 2001-2002 he was a Tual Upa, before that he was the Vice President of PYD and was elected as church elder in 2003 and remains occupied the said church eldership. The disputed church land was purchased at Rs. 500/- in 1959 from Mr. Vuttaia, at that time, the UPC of North East India was pre natal. The then Village Council pass was converted into Misc Pass No. 61 of 1976 and presently under DPL No. 6 of 1993 put in the name of Secretary, UPC, Chaltlang as he had traced from the church record. As per the Bye laws of UPC of North East India, their properties should be put in the name of their General Secretary, but in the disputed church building, it was not put in the name of General Secretary of UPC of North East India. He also affirmed that they themselves paid revenue taxes for the same regularly. As the same faith and doctrine, they employed the Pastor of UPC of North East India for the purpose of marriage, funeral ceremony, baptism of the child etc. Being merely employee, the North East India UPC do not have *locus standi* to dispute with the instant church. After ceasing their employment, their connection with the UPC of North East India also automatically ceased. They never transfer ownership of the disputed church to anybody including the UPC of North East India having registration in other state.

In his cross examination, he deposed that since 2001, he is the Church Elder in the UPC of Mizoram, Chaltlang Church. He is shifted into Chaltlang after forming of UPC of Mizoram.

For the defendants:

The defendant had produced the following witnesses namely -

1. Rev. R. Lalrinsanga S/o Vanlalliana (L), Electric Veng- Aizawl (Hereinafter referred to as DW-1)
2. Rev. Laltluanga S/o Thanchhinga, Sikulpuikawn, Mission Veng- Aizawl (Hereinafter referred to as DW-2)
3. Upa Ngurbela S/o Kaphlira (L), Chaltlang Lily Veng, Aizawl (Hereinafter referred to as DW-3)
4. Evan Lalruatkima S/o Upa Saithanchhunga, Chanmari West, Aizawl (Hereinafter referred to as DW-4)

The **DW-1** in his examination in chief deposed that he is presently the General Secretary of the UPC of North East India representing the General Superintendent of UPC North East India by executing Power of Attorney. He is serving as a full time minister in the North Mizoram District UPC under UPC of North East India for 16 years as District Treasurer, District Sunday School Secretary/Treasurer etc. during 1979 to 1994. The administration of the UPC of North East India covers the whole area of the states of the North Eastern region. In the instant dispute properties like North Mizoram District UPC, unit church of headquarter- Tuikhuahtlang, Unit Church of Chanmari and Chaltlang, he has an interest as representing the General Superintendent of UPC North East India by executing Power of Attorney. The plaintiff no. 1 is not the District Superintendent of North Mizoram district of UPC and the plaintiffs nos. 2, 3 and 4 are not also the Chairman of the respective church Board Committees of UPC, Headquarters- Tuikhuahtlang, Aizawl; UPC, Chanmari, Aizawl and UPC, Chaltlang- Aizawl. Thus, they do not have any locus standi to file the instant suit. Their occupied post is self style in nature. The suit properties are not also belonging to the plaintiffs. They rather left the North Mizoram District UPC in the month of September, 1995. The lawful and recognized Superintendent of the North Mizoram district was Rev. Thangliana and the Chairman of the unit church Board committees of UPC- Tuikhuahtlang, Chanmari and Chaltlang are Pastor Laltluanga, Upa V.L. Hmangaiha and Mr. Upa Ngurbela respectively. The properties of the North Mizoram District UPC is the properties of the defendant. There has never been UPC of Mizoram but there was UPC in Mizoram different from UPC of Mizoram since 1950, it was functioning as a branch of UPC of India. In 1969, it was decided to divide UPC of India and thereby created the UPC of North East India having registration under the Societies Registration Act, 1860. The various administrative districts of UPC did not have autonomy. The creation of the Aizawl East District UPC was with the consent of the North Mizoram District UPC. At that time, the Superintendent of North Mizoram District UPC was Rev. R. Thangliana who continued till filing of the instant suit.



*Ext. P-1 is Misc Pass No. Misc – 48 of 1954 issued in favour of the defendant.*

*Ext. P-2 is Misc Pass No. M/89 of 1954 issued in favour of the defendant*

*Ext. P-3 is issued in favour of the defendant*

*Ext. P-4 is Misc Pass No. 13 of 1970 issued in favour of the defendant*

*Ext. P-5 is Misc Pass No. 27 of 1972 issued in favour of the defendant*

*Ext. D-1 is the copy of application for Certificate in the UPC (NEI) and Ext. D-1 (a) is the signature of the plaintiff no. 1*

*Ext. D-2 is a copy of letter sent to the Chairman, Executive Committee, NEI, UPC Shillong and Ext. D-2 (a) is the signature of the plaintiff no. 1*

*Ext. D-3 is a copy of letter sent to Rev. P. Chunga, Gen. Superintendent, NEI, UPC and Ext. D-3 (a) is the signature of plaintiff no. 1*

*Ext. D-4 is a copy of letter dt. 7.9.1995 sent to the Gen. Suptd. NEI, UPC, Shillong Hqrs. and Ext. D-4 (a) is the signature of the plaintiff no. 1*

*Ext. D-5 is a copy of letter dt. 2.11.1994 sent to the Gen. Suptd., NEI (Rev. P. Chunga) by the plaintiff No. 1 and Ext. D-5 (a) is the signature of the plaintiff no. 1*

*Ext. D-6 is the copy of Ordination License Renewal Form for the year of 1993 and Ext. D-6 (a) is the signature of the plaintiff No. 1.*

In his cross examination, he deposed that at the time of filing of the suit, he was the District Superintendent, Aizawl East District, UPC (NEI). He admitted all the moveable and immovable properties were not put in the name of the General Secretary as imposed u/s 11 of their Rules and Regulations. Misc Pass No. 13 of 1970 is issued in the name of the UPC Headquarters, Aizawl. Misc Pass No. 27 of 1972 is issued for the UPC, Chanmari locality, Land Lease No. 6 of 1993 is issued in the name of Secretary of Church Board Committee, UPC Chaltlang, Aizawl for the purpose of the site of the church. The plaintiffs nos 2-4 were not the licensee member in the UPC of NEI. The present General Superintendent of UPC, NEI is Rev. K. Darsailova but he will not give evidence as executing Power of Attorney in favour of me. He denied that the plaintiff no. 1 was the District Superintendent of North Mizoram district at the time of filing of the suit.

The **DW-2** in his examination in chief deposed that he is presently the District Mission Director, North Mizoram District, UPC (NEI). He had been serving as a full time minister in the North Mizoram District UPC under UPC (NEI) for 28 years as Pastor cum Sunday School Director since 1984 and Mission Director from the year of 2010 till date. Just after the plaintiffs and their group left them, he was the Chairman of Local Church Committee as well as Headquarter pastorate and Pastor of the Headquarter church of UPC (NEI) and Upa H. Lalropuia was the Secretary during the said period. After the plaintiffs and their group left them, the Chairman of the Unit church of Chaltlang was Upa Ngurbela and the Secretary was Upa Thanchhunga properly functioned under the UPC (NEI). In Chanmari unit local church, the Chairman was Upa Saithanchhunga (succeeded by Upa V.L. Hmangaiha) and Secretary was Upa Zirthanga. The plaintiff no. 1 is not the District Superintendent of North Mizoram district of UPC and the plaintiffs nos. 2, 3 and 4 are not also the Chairman of the respective church

Board Committees of UPC, Headquarters- Tuikhuahtlang, Aizawl; UPC, Chanmari, Aizawl and UPC, Chaltlang- Aizawl. Thus, they do not have any *locus standi* to file the instant suit. Their occupied post is self style in nature. The suit properties are not also belonging to the plaintiffs. They rather left the North Mizoram District UPC in the month of September, 1995. The lawful and recognized Superintendent of the North Mizoram district was Rev. Thangliana and the Chairman of the unit church Board committees of UPC- Tuikhuahtlang, Chanmari and Chaltlang are Pastor Laltluanga, Upa V.L. Hmangaiha and Mr. Upa Ngurbela respectively. The properties of the North Mizoram District UPC is the properties of the defendant. There has never been UPC of Mizoram but there was UPC in Mizoram different from UPC of India since 1950, it was functioning as a branch of UPC of India. In 1969, it was decided to divide UPC of India and thereby created the UPC of North East India having registration under the Societies Registration Act, 1860.

In his cross examination, he deposed that his parents were also belonging to UPC. As appointed in 1983, he joint the post of Pastor on 5<sup>th</sup> Jan., 1984. After posting in various places, he held the post of Pastor of Reiek during 1990-1994 and after posted at Sihphir Pastorate and subsequently posted at UPC District Headquarters (N. Mizoram) occupying the same till 2000. During raising of enmity amongst UPC, he was posted at Sihphir Pastorate and also held the post of Chairman of Local Church Committee as *ex officio* wherever posted as Pastor but permissible to appoint the Church Elder as the said Chairman. During split of the UPC, Upa Ngurbela was also the Chairman of Local Church Committee at Chaltlang. He denied that all the disputed moveable and immovable properties were not belonging to the UPC (NEI).

The **DW- 3** in his examination in chief deposed that he is presently one of the Church Elders in the UPC (NEI), Chaltlang Unit Church. He have been a member of UPC since 1961 and was a Chairman of Chaltlang Unit Church of UPC NEI after split of the UPC into two during 1995 and continued to held the said post for about 10 years. DPL No. 6 of 1993 is kept by the District Secretary, North Mizoram District UPC (NEI). The plaintiff no. 4 is not the Chairman of the Church Board Committee of UPC, Chaltlang and thereby having no *locus standi*. The plaintiff no. 4 rather left the UPC of NEI in 1995 and joined UPC of Mizoram and is the self styled Chairman of Church Board Committee of UPC of Chaltlang- Aizawl.

In his cross examination, he deposed that since 1976 when migrated into Chaltlang, Aizawl, he is permanently residing at Chaltlang- Aizawl. DPL No. 6 of 1993 is issued in the name of Secretary, UPC, Chaltlang Salem Veng. The UPC of Chaltlang was established during 1958.

The **DW- 4** in his examination in chief deposed that he is one of the Sunday School Secretaries at UPC (NEI), North Mizoram District. He has been a member of UPC since childhood. During splitting of the UPC into two, he held the post of Asst. Secretary, PYD at Chanmari Unit Church and he is presently occupying Sunday School Superintendent at Chanmari Unit Church. Misc Pass No. 34 of 1985 is issued in the name of UPC Chanmari and is kept by the District Secretary, North Mizoram District UPC (NEI). The

plaintiff no. 3 is not the Chairman of the Church Board Committee of UPC, Chanmari, Aizawl and thereby did not have locus standi to file the instant suit. The plaintiff no. 3 rather left the North Mizoram District UPC (NEI) in 1995. He became the self styled Chairman of Chanmari Unit Church not recognized by the defendant.

In his cross examination, he deposed that on 3<sup>rd</sup> August, 1969, the UPC of Chanmari Unit was established and split in 1994 into North East India and Mizoram. He did not know that whether they took a loan at Rs. 50,000/- from MUCO Bank or not and also did not know whether the said loan was already liquidated or not. The UPC Church at Chanmari was put under lock and key since August, 1994. He was not ascertained that whether the population of UPC of Mizoram was larger than the population of the UPC of North East India at the time of split.

### **ARGUMENTS/TERMS OF RIVALRY**

In the Argument, Mr. L.H. Lianhrima, learned counsel for the plaintiffs holistically stated that all the LSCs/Passes in respect of the disputed lands and buildings where buildings of churches, pastor quarters, headquarters and offices are constructed have been issued by the Revenue Department under the provision of the Mizo District (Land and Revenue) Act, 1956. As such, any dispute with regards to the ownership of the landed properties covered by the Revenue passes should be settled by the court under the provisions of Revenue Laws in existence.

Mr. L.H. Lianhrima also appreciated deposition of the Defendant Witness No 1, Rev R.Lalrinsanga stating that he had admitted on cross examination by the counsel of the Plaintiffs that *“Kan rules and regulations chang 11 ang hian, ‘He pawl bungrua reng reng, sawn theih emaw, theih loh emaw, enkawl leh humhalh thute, kohhran hnathawh kal zel chhuizauna leh bawhzuina chite chu Executive Board kutah General Secretary hmingin a awm vek ang’ tih ang diak diak hi chuan kan bungrua neih te hi chu a awm vek lo a ni. General Secretary hminga Khuangpuilam Orphanage Home awm nia I sawi hi ka en chian loh chuan ka hre lo”*

It is further argued that as per Rule 11 of the Rules and Regulations of the United Pentecostal Church of North East India (UPC, NEI), all the properties both moveable and immoveable and records and research with regards to the church activities as well as progress should be kept under the custody of the Executive Board duly registered in the name of the General Secretary. It is further submitted that the only immoveable property that was registered in the name of the General Secretary, UPC of NEI is the Khuangpuilam Orphanage Home. As such, the Defendant No 1, UPC of NEI do not have any legal or moral right to claim the suit properties either immovable or moveable.

As per section 2(8) of the Mizo District (Land and Revenue) Act, 1956, *“Settlement holder” means any person other than a pass holder, who has entered into an engagement with the District Council to pay land revenue and is deemed to have acquired status of settlement holder under section 7.*

As per section 2 (11) of the Mizo District (Land and Revenue) Act, 1956, *“Pass-holder” means a person who has the temporary right of use and occupancy over a specified plot of land for a specified period under such terms as the Executive Committee may prescribe in the pass he holds.*

He also stressed that all the passes in respect of the land where church buildings, offices and pastor quarters are constructed have been issued in the name of the Local Church and **not even a single pass is issued in the name of UPC of NEI**. As such, the defendant no 1 does not have a *locus standi* to claim the suit lands and buildings. It is further submitted that all the lands where church buildings, Pastor quarters and offices have been constructed were purchased by the Plaintiffs and their members from the contribution and collections of the Plaintiffs and their members in their respective locality. In fact, the Plaintiffs and their members had to work very hard during the past many decades for the lands, church buildings, pastor quarters and headquarters office buildings on their own. This is the main reason why all the land passes have been issued in the name of the local churches who are the sole authorities in respect of the properties either immovable or moveable. He also takes reliance in the Judgment & Order dated 4-10-2002 passed by the Hon’ble Gauhati High Court in the case of **Imlitemjen Jamir & Others -vrs- State of Nagaland & Ors** which was reported in 2004 (SUPPL.) GLT 71 it is held that it is settled principle of law that after the land was allotted to a person, a right has accrued to him. This clearly indicated that the registered owner is the legal and lawful owner of the land in question. As such, the defendant no 2, UPC of NEI whose name has not been found in the Passes in respect of the suit land and building do not have a right to claim the same as per provision.

He also mention that the fact that as many as twenty five disputed churches in the entire State of Mizoram had been amicably settled outside the court so far without taking permission from the defendant no. 2, UPC of NEI. For instance, the disputed landed property at Bethlehem Vengthlang had been amicably settled outside the court during the pendency of the suit before the Court of Senior Civil Judge, Aizawl in Title Suit No 1 of 1996 without consulting with the defendant No 2, UPC of NEI. This clearly indicated that the defendant no 2 does not have any authority over the local church as the local church committee is the sole authority over the properties of the local church. A copy of INREMNA dated 23-8-2010 duly signed by the respective Secretaries of Mizoram UPC and UPC (NEI) in presence of the VCP and the President, YMA, Bethlehem Vengthlang Branch which has been accepted by the Hon’ble Court is annexed herewith for perusal and ready reference. Further, a copy of INREMNA dated 9<sup>th</sup> April, 2008 duly signed by the Chairman and Secretary of the rival parties in presence of reliable witnesses at Vairengte South and Bairabi North. It is voluminously clear from the copies of INREMNA aforementioned that the defendant no 1, UPC of NEI does not have any authority over the local churches as all the AGREEMENT with regards to the suit land and buildings have been signed by the local church committee and the defendant no 1 or his representative has not even put his signature at all. In fact, the defendant no 1 is neither required to be consulted nor have any

authority for settlement of the dispute over the properties either immovable or moveable. Thus, he prayed to allow the instant suit accordingly.

Mr. W. Sam Joseph, learned counsel for the defendant argued that in respect of non-joinder of necessary parties, the suit should be dismissed for not adding the Chairmen of Local Church Board Committees of unit churches in Chaltlang, Chandmary and Tuikhuahtlang of the UPC NEI and also the District Superintendent of the North Mizoram District of UPC NEI as parties. All the said parties are necessary parties, hence it is hit by Order 1 proviso to Rule 9 CPC. By not making the said persons as parties, the plaintiffs have accepted the leadership of the defendant to be the owner of all the churches under the UPC North East India.

With regards to *res-judicata*, Mr. W. Sam Joseph embarked that during the course adducing evidence the plaintiffs themselves had admitted the fact that they were part of the UPC NEI till the UPC of Mizoram was formed in the year 1995. During the cross examination of the first plaintiff, he clearly stated that *"In the year 1980 I was issued with local license on 10<sup>th</sup> April 1980 as an Evangelist on my application duly filled by me. I personally do not know the state/or Mizoram was divided in to how many districts under UPC. Ex-D-1 is the application for certificate in the United Pentecostal Church of North-East India. I personally filled up the said application with my own hand and Ext-D-1(a) is my signature."* He further stated that *"It is fact that I was ordained by the Gen. Superintendent of UPC North East India in the ordination service conducted by Rev. K. Satinvela. I was ordained along with Pastor R.Lalrinsanga ..... in the same service."* During the examination of the defendant's witness no.1 Rev. R. Lalrinsanga the documents relied by them were admitted in to evidence as Ext – D-1 to D-6 and they are Ext. D-1 is the copy of application for certificate in the UPC(NEI) and Ext. D-1 (a) is the signature of the plaintiff No. 1, Ext. D-2 is a copy of letter sent to the Chairman, Executive Committee, NEI, UPC, Shillong and Ext. D-2(a) is the signature of the plaintiff No. 1, Ext. D-3 is a copy of letter sent to Rev. P. Chunga, Gen. Supdt., NEI, UPC and Ext. D-3 (a) is the signature of the plaintiff No. 1, Ext. D-4 is a copy of letter dt. 7.9.95 sent to the Gen. Supdt., NEI , UPC, Shillong Hqrs. and the Ext. D-4(a) is the signature of the plaintiff No. 1, Ext. D – 5 is a copy of letter dt. 2.11.94 sent to the Gen. Supdt., NEI (Rev. P. Chunga) by the plaintiff No. 1 and the Ext. D-5(a) is the signature of the plaintiff No. 1, Ext. D – 6 is the copy of Ordination Licence Renewal Form for the year of 1993 and Ext. D - 6(a) is the signature of the plaintiff No. 1. All the documents exhibited as Ext- D-1 to D-2 were sent under the signatures of the plaintiff no.1 and the plaintiff during cross examination had admitted preparing and sending those documents. Though counsel for the plaintiff objected, the Plaintiff no.1 had admitted making those documents. From the said documents it is clear that the plaintiff no.1 admitted the fact that he and the members of the UPC of Mizoram formed in the year 1995 and the plaintiffs left the UPC of NEI and formed the UPC of Mizoram. From their own action it is evident that as the plaintiffs had left the UPC NEI and formed the UPC of Mizoram voluntarily, they have no right to claim the properties, which were governed by the Constitution and Rules and Byelaws of the UPC of North East India. Hence the issue no.3 is to be decided in favour of the defendants.

In regards to requisite court fees, Mr. W. Sam Joseph also stated that the suit is title suit and the plaintiffs should have submitted sufficient amount of court fee. In the counter claim in the prayer of the defendant, the defendant prayed the court to declare that the immovable properties claimed by the plaintiff are the properties of the defendant and as per S.149 CPC this court may allow the defendant to pay the court fees at any stage and the defendant is willing to pay the court fee as and when directed to do so for the counter claim made in his prayer.

With regards to doctrine of locus standi, Mr. W. Sam Joseph further added that The Plaintiff no.1 during cross-examination had clearly stated that "I have filed this case on behalf of Mizoram UPC." As your honour knows that the UPC of Mizoram was not registered under any law for the time being in force and the UPC of Mizoram has not got legal entity and the plaintiffs can file only on the representative capacity. In order to file the suit under Representative Capacity, the law is very clear and as per the CPC the persons filing on behalf of group of people or an organisation which is not registered should obtain permission from the court to file in representative capacity, but the plaintiffs have not filed so, hence their suit should fail and the counter claim alone can be decreed. The Order 1 Rule 8 of CPC says about as to how a person can file in representative capacity.

With respect of entity of the plaintiffs, Mr. W. Sam Joseph also opined that it has come in evidence that the plaintiffs were part of the UPC North East India before the UPC of Mizoram was formed way back in the year 1995. During cross examination the plaintiff no.1 stated clearly that "It is also a fact that Rev.R.Thangliana was dismissed on charge by me and the other Pastor by invoking NE.India Rules and Regulation Rule 8. After Pu Thangliana was changed I, in my capacity as acting Supdt. N.Mizoram, Dist. UPC sent the letter to Gen. Supdt, N.E. India UPC requesting into accept myself as the District Supdt of N.Mizoram UPC. After sending this letter, we said that we are forming Mizoram UPC and will not continue with N.E. India UPC." PW. Lalnunmawia during cross examination has stated that "As far as I know, the UPC Mizoram was started in the year 1995 by bifurcating from UPC NE. India. Before 1995, the Headquarter church was looked after by Pastors appointed by UPC N.E. India" He further stated that "I had joined UPC in the year 1990, I had gone through the UPC bye-laws, rules and Regulations. It is a fact that we made UPC Mizoram Rules and Regulations in the year 1995 before we applied for registration." He further stated that "As far as I know UPC N.E. India General Headquarters have been shifted from Shillong to Aizawl." The other PW Upa R.Lallawmzuala stated that "I was clerical staff under UPC NEI North Mizoram District since 1988 till UPC of Mizoram was formed. There after I am working as staff of UPC Mizoram. I was appointed as cashier during the period of Rev. Lalrinsanga was the District Treasurer under UPC NEI." He further stated that "I started becoming church elder (Upa) after Mizoram was formed. When I was part of UPC under NEI I was Sunday School teacher." I do not for sure whether UPC of Mizoram was formed on 16.10.96 when this present suit was filed. It is a fact that N. Mizoram Dist. UPC was one of the District under UPC NEI. I know that under North Mizoram Dist. Had the following building such as:

- (1) District Office building
- (2) Printing Press and the building thereof
- (3) Bookroom including the building and all the books and other valuable property.
- (4) Sunday School building
- (5) Land under Pass No. 8 of 1986 located at Mualpui and Kawltheihuan and Pastor residential quarters were under the administrative control of UPC NEI."

By elaborating deposition of the other PW namely- Mr. Lalrinawma Sailo who stated that "Since 1993 till 1995 I was Asst. Secretary thereafter I became secretary of PYD in the Mizoram UPC. Before the Mizoram UPC was formed I was Asst. Secretary of the PYD Chaltlang UPC Church." He further stated that "After 1995 the licence for the Pastor and evangelist were issued may be by the Gen. Supdt. of UPC of Mizoram but I do not know who issued licence to Pastor before Mizoram UPC was formed. I had gone through the constitution of UPC NEI and I have gone through the constitution of UPC, Mizoram." He further stated that "Before UPC of Mizoram was formed 'Pathian ram' used to be handed over to the pastor in charge of Chaltlang Church and I do not know where he used to deposit the money." PW Laldawngliana stated during cross examination that "It is a fact that administratively all the Churches of UPC in Mizoram were under the General Superintendent, UPC. N.E. India" He further stated that "It is a fact that when the Chaltlang Church was part of UPC NE. India, Chaltlang UPC had the pass in the name of unit church at Chaltlang. It is also a fact that all over Mizoram the passes for the lands were obtained in the names of unit church of UPC at their respective localities. It is a fact that before 1995 the constitution of UPC was in the name of UPC N.E. India and I had gone through the said constitution and the constitution provided different churches for the functioning of UPC NE. India. It is a fact that the constitution of Mizoram was made after we were separated from the UPC N.E. India. But I do not remember as to when the said constitution was passed by the General Assembly of UPC Mizoram." PW Lalropuia stated during cross examination stated that "It is a fact that prior to 1995 UPC of Mizoram was not in existence. When the UPC of Mizoram was formed in 1995 the Gen. Supdt of the UPC Mizoram was R.T. Saihnuna (L)." PW Tirhkoh K.Vanlalhluna stated in his cross examination that "When I applied for fresh license (certificate) the application form for the certificate was to be addressed to UPC of Mizoram as the UPC of Mizoram was formed in the year 1995". Further the said PW also stated that, "It is a fact that in the year 1995 UPC of Mizoram was formed by separating themselves from the UPC of NEI". From the evidence on record it is clear that the plaintiffs were part and parcel of the UPC NEI till 1995 and they left and formed the UPC of Mizoram in the year 1995. Hence, the said two issues are to be decided in favour of the defendant against the plaintiffs.

In the counter claim preferred by the defendant, Mr. W. Sam Joseph had submitted that it has come in evidence that the UPC North East India was registered under Societies Registration Act, 1860 in the year 1969 and the members were governed by the Constitution and Rules and bye laws of the UPC North East India. The day the person leaves or the church becomes defunct the church property will continue to be the property of the UPC North East India and their district authorities.

His argument is concluded that it is clear from the evidence on record and as mentioned earlier, the plaintiffs have no *locus standi* to file the suit as they have not filed the present suit in representative capacity. Though the plaintiffs stated that they have filed the suit on behalf of the UPC of Mizoram, the plain reading of the plaint shows that they had file in their individual name and not in representative capacity. Moreover as started above if the suit was in representative capacity, they should have obtained the permission from the court. The fact that the plaintiffs have not obtained any permission to file the suit in representative capacity, the suit is to be dismissed. But as the counter claim was made in the prayer portion of the written statement the defendant prayed for declaring the defendant and North Mizoram District UPC and the local Churches of UPC Chaltlang, Chandmary and Tuikhuahtlang to be the owner of the properties claimed by the plaintiff No. 1 to 4 jointly. And restrain the plaintiff No. 1 to 4 from disturbing the possession of these properties by the defendant, North Mizoram District UPC, and the aforesaid local churches. As the plaintiffs made an attempt to show that the UPC of Mizoram was in existence even before the UPC North East India was registered, but from the history of the UPC Church in Mizoram, it is clear that the UPC came to Mizoram due to the arrival of Rev. Schism and those who were having pentcostal leanings were taken to the fold of the UPC started by Schism and for convenient sake the UPC North East India was registered as an Association/society. There was no separate identity as UPC of Mizoram prior to 1995 all persons under UPC became part and parcel of the UPC North East India and under UPC North East India there were many districts and one of the districts was North Mizoram District. Whatever properties acquired during the period when the plaintiffs were part and parcel of the UPC NE India belongs to the defendant and the churches under the UPC NE India. From the evidence on record the court is left with no other option but to reject the prayer of the plaintiffs and to allow the prayer of the defendant. In this connection I would like to point out that Learned Additional District Magistrate (Judicial), Lunglei District Pi Lucy Lalrinthari in the case of Title suit no.3 of 1996 and Title Suit no.1 of 2001 it was decided in favour of the UPC, North East India. In the said judgment it was decided that the District Board of UPC NEI is the legal and rightful owner of the church. Though Judgment and order in two suits were duly received by the UPC of Mizoram they have not preferred any appeal. Hence the plaintiffs in this case also will not have any grievance if the judgment and order is passed in favour of the defendant.

## **FINDINGS**

### **Issue No. 1**



### **Whether the suit is bad for non-joinder of parties.**

Learned counsels for defendant argued that the Local Church authorities were not impleaded as defendants is non-joinder of necessary parties supplemented by some depositions of the DWs. Meanwhile, the instant suit is filed during 1996, at a very belated stage, in my opinion, lacunae is found on maintainability of the suit requires to cure. However, it impelled to look the settled laws with regards to necessary parties. In **Iswar Bhai C. Patel & Bachu Bhai Patel Vs. Harihar Behera & Anr.** decided on 16/03/1999 and reported in 1999 AIR 1341, 1999 (1) SCR 1097, 1999 (3) SCC 457, 1999 (2) SCALE 108, 1999 (2) JT 250, their Lordship of Hon'ble Supreme Court has held that-

"These two provisions, namely, Order 1 Rule 3 and Order 2 Rule 3 if read together indicate that the question of joinder of parties also involves the joinder of causes of action. The simple principle is that a person is made a party in a suit because there is a cause of action against him and when causes of action are joined, the parties are also joined."

And in **U.P. Awas Evam Vikas Parishad Vs. Gyan Devi (Dead) By Lrs. & Ors.** decided on 20/10/1994 in connection with Appeal (civil) 7067 of 1994 reported in 1995 AIR 724, 1994 (4) Suppl. SCR 646, 1995 (2) SCC 326, 1994 (4) SCALE 755, 1994 (7) JT 304, the Hon'ble Supreme Court observed thus-

"The law is well settled that a necessary party is one without whom no order can be made effectively and a proper party is one in whose absence an effective order can be made but whose presence is necessary for a complete and final decision of the question involved in the proceeding. (See: Udit Narain Singh Malpaharia v. Additional Member, Board of Revenue, [1963] Supp. 1 SCR 676, at p. 681."

The points advanced by the defendant is that the suit is failed without impleadment of the Local Church authorities of the UPC of North East India, on examining the nature and circumstances of the case, even without impleadment of the Local Church authorities of the UPC of North East India, certainly, the suit could be fruitfully adjudicated without impleadment of the Local Church authorities of the UPC of North East India as seriously contested of the defendant and evidence on the suit properties also adduced. Admittedly, the defendant UPC of North East India is a registered society under the Societies Registration Act, 1860 governed by the said Act, subject to their bye laws, suits by and against them may sue or be sued in the name of the President, Chairman, or Principal Secretary or trustees, the defendant is obviously the General Superintendent of UPC of North East India competent to be sued as per S. 6 of the Societies Registration Act, 1860 as he act as the Head of the UPC of North East India by virtue of Paragraph No. 24 (1) of the Rules and Regulations of the UPC of North East India. This is issue is therefore affirmative in favour of the plaintiff.

**Issue No. 2**  
**Whether the suit is barred by limitation.**

As the Director of Land Revenue and Settlement Department, Govt. Of Mizoram is put as proforma defendant who is a non-tribal, the Limitation Act, 1963 will be applicable in the instant case as held by the Hon'ble Gauhati High Court in the case of **Lalchawimawia & Ors. Vs. State of Mizoram** decided on 5-5-1999 in connection with WP (C) No. 4 of 1996 reported in 1999 (3) GLR 100 and later in **L. Biakchhunga vs State Of Mizoram And Ors.** decided on 1/8/2005 and reported in (2006) 2 GLR 610. Meanwhile, the main cause of action had arose during September, 1995 as deposed by PW-1 of plaintiff no. 2 in his examination in chief corroborated by depositions of other PWs. However, the instant suit is filed as a fresh suit during the middle part of 1996. No point of barring of limitation of the suit will therefore sustainable.

**Issue No. 3**  
**Whether the suit is barred by the principles of estoppel, acquiescence and res-judicata.**

Although the defendant raised the instant issue in their written statement, no evidence and other submissions were adduce to resolute the rival points. I therefore find no grounds on the applicability of the principles of estoppels, acquiescence and res-judicata in the instant case. This issue is again goes in favour of the plaintiffs.

**Issue No. 4**  
**Whether the suit is bad for improper valuation of the suit property.**

Before dealing with merit of the issue, legal principles involved therein may enrich the findings like valuation of the suit is not only for the purpose of paying the Court Fees but it also plays an important role for determining the pecuniary jurisdiction of the Civil Court in the light of S. 15 of the CPC held in the case of **Ratan Sen alias Ratan Lal Vs. Suraj Bhan & Ors.** AIR 1944 All 1. Furthermore, in **Sri Rathnavarmaraja Vs. Smt. Vimla**, AIR 1961 SC 1299, the Supreme Court held that whether proper court fee has been paid or not, is an issue between the plaintiff and the state and that the defendant has no right to question it in any manner. The said judgment of the Apex Court was re-considered and approved in **Shamsher Singh Vs. Rajinder Prashad & Ors.** AIR 1973 SC 2384, observing as under:-

“The ratio of that decision was that no revision on a question of court fee lay where no question of jurisdiction was involved”

As no argument is heard on ousting pecuniary jurisdiction of this court in the instant case, I find no laches in this realm. Howsoever, the other above said lacunae may be filled up as exempted the region from the circumlocution of CPC under the proviso to S. 1 of the CPC as the then

tribal areas under the Sixth Schedule to the Constitution of India till 21<sup>st</sup> January, 1972 read with S. 21 of the Mizoram Civil Courts Act, 2005 whilst the suit is filed before proper insulation of judiciary from the executive as desired under Article 50 of the Constitution of India even from the miscellany of O. VII R. 1 of the CPC and O. VI R. 15 of the CPC as supplemented by the observations of Hon'ble Apex Court in **Mahadev Govind Gharge & Ors vs Spl. Land Acquisition Officer**, Upper Krishna Project, Jamkhandi decided on 10 May, 2011 in connection with Civil Appeal Nos. 5094 of 2005, the Supreme Court has observed thus-

“35. Procedural laws, like the Code, are intended to control and regulate the procedure of judicial proceedings to achieve the objects of justice and expeditious disposal of cases. The provisions of procedural law which do not provide for penal consequences in default of their compliance should normally be construed as directory in nature and should receive liberal construction. The Court should always keep in mind the object of the statute and adopt an interpretation which would further such cause in light of attendant circumstances.

36. To put it simply, the procedural law must act as a linchpin to keep the wheel of expeditious and effective determination of dispute moving in its place. The procedural checks must achieve its end object of just, fair and expeditious justice to parties without seriously prejudicing the rights of any of them.”

Also vide, **Shreenath & Another vs Rajesh & Others**, 1998 AIR 1827, 1998 (2) SCR 709, 1998 (4) SCC 543, 1998 (2) SCALE 725, 1998 (3) JT 244: **M.S. Grewal v. Deep Chand Sood**, (2001) 8 SCC 151: **Sushil Kumar Sen v. State of Bihar** (1975) 1 SCC 774: **The State of Punjab and Anr. v. Shamlal Murari and Anr.** (1976) 1 SCC 719.

With regards to another task on requisite court fees in the instant suit, whilst the suit is filed in 1996, the Court Fees (Mizoram Amendment) Act, 1996 (Act No. 5 of 1997) is made effective from 22<sup>nd</sup> April, 1997 vide, Notification No. G. 17013/8/96- FFC, the 21<sup>st</sup> July, 1997 published in the Mizoram Gazette, Vol. XXVI, 25.7.1997, Issue No. 30 [Part- II (A) p. 3]. Thus, there will be no question of lacunae on requisite court fees in the plaint and counter claim.

### **Issue No. 5**

#### **Whether the suit is bad for not giving notice u/s 80 CPC**

In the instant suit, the Director, Land Revenue and Settlement Department, Govt. of Mizoram is merely impleaded as proforma defendant and he have no role to play prior to adjudication of the case by the court on merit as the main crux is only between the plaintiff and the defendant. In other words, there will be no waste of public money in the instant case whether to adjudicate in favour of the plaintiff or not. If legal notice be also served in due course of time, the proforma defendant could not take any action at all like in the instant case and mode of relief so claimed. In the

case of **Manindra Ch. Paul vs State Of Tripura And Ors.** decided on 16 March, 2007 and reported in AIR 2007 Gau 103, 2007 (3) GLT 300, the Gauhati High Court has held that-

“12. That, as stated above, Section 80 of the Code of Civil Procedure is a part of procedural law by means of which the Court may do justice between the parties. Thus, the provision of this Section requires to be interpreted liberally in a reasonable way to advance substantial justice to the public. The whole object of this Section is not to defeat the justice on mere technical ground and by interpreting it in a hyper-technical manner.”

And in **Gopesh Chandra Das v. The Chief Secretary to the Government of Assam and Ors.** (1989) 2 GLR 377 : AIR 1990 Gau 74, the Gauhati High Court discussed the object of Section 80 of the Code of Civil Procedure Notice and the manner of its interpretation. In the said case, the High Court observed as follows:

“...The object of the notice contemplated by Section 80 is to give to the concerned Governments and public officers opportunity to reconsider the legal position and to make amends or settle the claim, if so advised, without litigation. The legislative intention behind that section is that public money and time should not be wasted on unnecessary litigation and the Government and the public officers should be given a reasonable opportunity to examine the claim made against them lest they should be drawn into avoidable litigations. The purpose of law is advancement of justice. It must be remembered that Section 80 of the Code is but a part of the Procedure Code passed to provide the regulation, and machinery, by means of which the Court may do Justice between the parties. It is, therefore, merely a part of the adjective law and deals with procedure alone and must be interpreted in a manner so as to sub-serve and advance the cause of justice rather than to defeat it....”

So is the well settled law and in view of the nature of the instant case, non-compliance of S. 80 of CPC does not vitiate the instant proceedings.

### **Issue No. 6**

#### **Whether the plaintiffs have any *locus standi* to file the suit.**

The very concept of doctrine of locus standi is illuminated by the Hon'ble Supreme Court in the case of **S.P. Gupta Vs. President Of India And Ors.** decided on 30/12/1981 reported in AIR 1982 SC 149, (1981) Supp (1) SCC 87, (1982) 2 SCR 365, the Constitution Bench of Hon'ble Supreme Court has held that-

“14. The traditional rule in regard to *locus standi* is that judicial redress is available only to a person who has suffered a

legal injury by reason of violation of his legal right or legal protected interest by the impugned action of the State or a public authority or any other person or who is likely to suffer a legal injury by reason of threatened violation of his legal right or legally protected interest by any such action. The basis of entitlement to judicial redress is personal injury to property, body, mind or reputation arising from violation, actual or threatened, of the legal right or legally protected interest of the person seeking such redress. This is a rule of ancient vintage and it arose during an era when private law dominated the legal scene and public law had not yet been born. The leading case in which this rule was enunciated and which marks the starting point of almost every discussion on *locus standi* is *Ex parte Sidebotham* (1980) 14 Ch D 458. There the Court was concerned with the question whether the appellant could be said to be a 'person aggrieved' so as to be entitled to maintain the appeal. The Court in a unanimous view held that the appellant was not entitled to maintain the appeal because he was not a 'person aggrieved' by the decision of the lower Court. James, L. J. gave a definition of 'person aggrieved' which, though given in the context of the right to appeal against a decision of a lower Court, has been applied widely in determining the standing of a person to seek judicial redress, with the result that it has stultified the growth of the law in regard to judicial remedies. The learned Lord Justice said that a 'person aggrieved' must be a man "who has suffered a legal grievance, a man against whom a decision has been pronounced which has wrongfully deprived him of something or wrongfully refused him something or wrongfully affected his title to something." Thus definition was approved by Lord Esher M. R. in *In Re Reed Bowen & Co.* (1887) 19 QBD 174 and the learned Master of the Rolls made it clear that when James L. J. said that a person aggrieved must be a man against whom a decision has been pronounced which has wrongfully refused him of something, he obviously meant that the person aggrieved must be a man who has been refused something which he had a right to demand. There have been numerous subsequent decisions of the English Courts where this definition has been applied for the purpose of determining whether the person seeking judicial redress had *locus standi* to maintain the action. It will be seen that, according to this rule, it is only a person who has suffered a specific legal injury by reason of actual or threatened violation of his legal right or legally protected interest who can bring an action for judicial redress. Now obviously where an applicant has a legal right or a legally protected interest, the violation of which would result in legal injury to him, there must be a corresponding duty owed by the other party to the applicant. This rule in regard to *locus standi* thus postulates a right-duty pattern which is commonly to be found in private law litigation. But, narrow and rigid though this rule may be, there are a few

exceptions to it which have been evolved by the Courts over the years.”

Snapping with the above well settled legal principles, the plaintiffs who were earlier under the administration of the UPC of North East India since 1969 as admitted but may be because of lust of leadership amongst their leaders split out from the administration of the UPC of North East India in 1995 must have a right at least to dispute with properties acquired pre and post joined hands under the umbrella of UPC of North East India as certainly it would be acquired from the contribution of all the members of the organisation. Thus, being the concerned District Superintendent of plaintiff no. 1, Chairman, Headquarters Local Church Board Committee, UPC Tuikhuahtlang of the plaintiff no. 2, Chairman, Church Board Committee, UPC, Chanmari- Aizawl of the plaintiff no. 3 and Chairman, Church Board Committee, UPC, Chaltlang- Aizawl of the plaintiff no. 4 must have a locus standi in the instant suit as no other persons will be more competent in their side except them as plaintiffs to sue in the disputed properties.

#### **Issue No. 7**

##### **Whether the plaintiffs were part of the UPC, North East India.**

The PW- 1 of plaintiff no. 2 deposed that on 19<sup>th</sup> Feb., 1950, UPC was established in the then Lushai Hills under the leadership of Rev. Zakamlova which is also deposed by PW- 2 of plaintiff no. 2 witnessed by the Book authored by Ellis L. Scism and Family titled “*India Calling*” at the result of the mission of Rev. E.L. Scism, Rev. R.A. Dover and Rev. N. Parmer (p. 26 and p. 87). The UPC of North East India was later formed in the then Mizo District on 20<sup>th</sup> March, 1969 as deposed by PW- 2 of plaintiff no. 2. Admittedly, the then UPC in Mizoram was merged with the UPC of North East India under the leadership with headquarters at Shillong, the State Capital of Meghalaya being bifurcated from UPC, India. Cogently, after forming the UPC of Mizoram during 1995 and as the instant case had arisen, now, the plaintiffs are not a part of the UPC of North East India. Before split into UPC of North East India and UPC of Mizoram, evidences and submissions of parties revealed that the plaintiffs were also diluted and as a member of the UPC of North East India since 20<sup>th</sup> March, 1969 although denied by PWs of plaintiff no. 4 in their depositions.

#### **Issue No. 8**

##### **Whether the plaintiffs left the UPC, North East India and formed a separate Church. If so, why and when?**

The instant issue being the main yoke requires to trapeze in thrash. As already discussed under issue no. 7, on 19<sup>th</sup> Feb., 1950, UPC in Mizoram was established in the then Lushai Hills under the leadership of Rev. Zakamlova who was baptised by Rev. (Miss) R.A. Dover B.A., L. Th on 26<sup>th</sup> January, 1949 and ordained as a Minister on 19<sup>th</sup> Feb., 1950 (p. 87 of ‘India Calling’ Ellis L. Scism and Family). As deposed by plaintiff witness for the plaintiff no. 1, due to MNF insurgency broke out in the early part of 1966, and as deposed by PWs of plaintiff no. 2 and DW-1, the UPC of North East

India was formed in Mizoram on 20<sup>th</sup> March, 1969. It was again lasted on 6<sup>th</sup> August, 1995 by forming the UPC of Mizoram as admitted. But, the UPC of North East India and UPC of Mizoram again disputed that who will be the original UPC in Mizoram. In this catena, facts is very clear that after emerged of the UPC in Mizoram, the UPC at North East India level was formed and also joined by the then UPC in Mizoram under same leadership with headquarters at Shillong. Again split into two namely- UPC of North East India but located in Mizoram and UPC of Mizoram also located in Mizoram but as admitted, they are under the same doctrine, faith, tenet and religious practices. It may be more appropriated to term the division of UPC in Mizoram into two was “Split of UPC” by not term them as leaving by one group as their original faith, doctrine and practices remains the same and similar in toto. It further indicates that due to some or few ravenous leaders, the UPC in Mizoram was split into two. Although the plaintiffs alleged that the main cause of split was creation of Aizawl East District of UPC, but the root is cogently due to lust of leadership amongst their ministers/leaders may be resulted by the shortfalls/shortage of their Constitution/Bye Laws to curb such wrongdoers.

### **Issue No. 9**

**Whether the UPC of North East India on the basis of its registration under the Societies Registration Act, 1860 in 1969 can claim the disputed properties as its own or through their units in Mizoram and whether the Bye Laws of the UPC of North East India is applicable in the instant case.**

On the plain reading of the introductory part, the Societies Registration Act, 1860 (Act No. 21 of 1860) is *An Act for the Registration of Literary, Scientific and Charitable Societies*, in its preamble of the Societies Registration Act, 1860 (Act No. 21 of 1860), it further reads that –

*“Whereas it is expedient the provision should be made for improving the legal condition or societies established for the promotion of literature, science, or the fine arts, or for the diffusion of useful knowledge, the diffusion of political education, or for charitable purposes”*

S. 20 of the said Act further runs as-

#### **“20. To what Societies Act applies.-**

The following societies may be registered under this Act:-

Charitable societies, the military orphan funds or societies established at the several presidencies of India, societies established for the promotion of science, literature or the fine arts, for instruction, the diffusion of useful knowledge, the diffusion of political education, the foundation or maintenance of libraries or reading-rooms for general use among the members or open to the public, or public museums and galleries of paintings and other works of art, collections of natural

history, mechanical and philosophical inventions, instruments, or designs.”

S. 5 of the said Act also reads thus-

**“5. Property of society how vested.**– The property, movable and immovable, belonging to a society registered under this Act, if not vested in trustees, shall be deemed to be vested, for the time being, in the governing body of such society, and in all proceedings, civil and criminal, may be described as the property of the governing body of such society by their proper title.”

The very concept and meaning of trustees will be ‘an individual or organization which holds or manages and invests assets for the benefit of another. The trustee is legally obliged to make all trust-related decisions with the beneficiary's interests in mind, and may be liable for damages in the event of not doing so. Trustees may be entitled to a payment for their services, if specified in the trust deed. In the specific case of the bond market, a trustee administers a bond issue for a borrower, and ensures that the issuer meets all the terms and conditions associated with the borrowing.’ In this view, “...*if not vested in trustees...*” will be attracted in the instant case. S. 5 of Chapter – 3 of the Bye Law No.4 of the United Pentecostal Church of North East India viz. ‘Local Bye Laws’ is pertinent that-

**“5. CHURCH PROPERTIES:**

- (1) All landed properties and church properties, moveable or immovable of any church existing under United Pentecostal Church in the North East India shall automatically become the properties of the United Pentecostal Church of the North East India
- (2) Any UPC member who shall no longer embrace the articles of faith and the Bye Laws shall have no right to claim church properties, moveable or immovable, and the church fund. He/She shall leave the church.
- (3) In case any local church shall defunct, all the church properties, moveable or immovable, shall become the properties of the District Board. The District Board shall be heir to such defunct Local Church”

In the instant case, as per the findings under issue No. 7, with effect from 20<sup>th</sup> March, 1969 till 1995 when mass broken of the UPC in Mizoram as the then UPC in Mizoram also merged with the UPC of North East India, clause (1) of the above will be attracted. With regards to clause (2) of the above, the language employed is “...no longer embrace the articles of faith and the Bye Laws shall have no right to claim...”, it means that only no longer embrace the articles of faith or only no longer embrace the Bye Laws will not loss any right to claim church properties, moveable or immovable,



and the church fund. Clause (3) of the above is not attracted in the instant case.

As raised at the time of oral arguments, clause (1) of S. 2 of the Bye Law No.4 of the United Pentecostal Church of North East India viz. 'Local Bye Laws' clearly mentioned that "*Supreme Authority shall be vested in the Church Board in matter of administration of a local church*". It confirmed that depositions of PWs of the plaintiff no. 2 are true and correct. Clause (2) of the said Bye Laws further contemplated that "*All the decisions of the local church Board shall be done by majority of votes*". S. 1 of the said Bye Law No.4 of the United Pentecostal Church of North East India viz. 'Local Bye Laws' elucidated that the member of the Local Church Board shall be (a) Chairman (b) Secretary (c) Treasurer (d) Deacons (e) Nominated members and (f) Licensed members. The conduct rules of the Church is also embodied under S. 7 of the said Chapter. Wherein, the Church is responsible to decide all forms of problems arose in between the church members and if could not reform or confess the sin of the members, the Holy verses of Mathew 18:15-17 will be applicable for them, it speaks that-

*"Moreover if thy brother shall trespass against thee, go and tell him his fault between thee and him alone: if he shall hear thee, thou hast gained thy brother.*

*But if he will not hear thee, then take with thee one or two more, that in the mouth of two or three witnesses every word may be established.*

*And if he shall neglect to hear them, tell it unto the church: but if he neglect to hear the church, let him be unto thee as a heathen man and a publican."*

As argued by Mr. W. Sam Joseph, Hon'ble Court of Addl. District Magistrate (Judicial), Lunglei District in Title Suit No. 1 of 2001 adjudicated the disputes on the Thingfal UPC Church and also adjudicated similar case on Mualthum 'N' Local Church in Title Suit No. 3 of 1996 on 7<sup>th</sup> April, 2006 and 21<sup>st</sup> Jan., 2000 respectively. Wherein, Hon'ble ADM (J) applied the Bye Laws of the UPC of North East India for the purpose of determination of rights and titles on the disputed church properties. In the said cases, the findings of the court of ADM (J), Lunglei was that the UPC of Mizoram delinked themselves from the UPC of North East India on appreciating evidences adduced in the said cases. Needless to say is that the Hon'ble Court of ADM (J) Lunglei in the aforesaid two cases handled and adjudicated as Civil Original Jurisdiction, the ratio is not therefore binding in the same court like this court. In the instant case, submissions and evidences revealed that the UPC of Mizoram did not delink themselves from the UPC of North East India as per the findings under issue No. 7. It may be relevant to look the observations in **Md. Yunus vs The Inspector General Of Registration** decided on 24 August, 1979 and reported in AIR 1980 Pat 138, Hon'ble Patna High Court after examining the ratio laid down in *Anjuman Islamia of Muttra v. Nasir-Ud-Din* [(1906) ILR- 28 All 384] has held that-

“11. In the result, this application is allowed, the registration of the society under Section 3 of the Societies Registration Act is quashed. It is, however, made clear that our decision does not affect the rights of the parties, if any, in respect of the disputed properties.”

Again in **Iqra Masjid Welfare Society And Ors. vs Managing Committee Of Iqra Mosque** decided on 27 February, 2004 reported in 2004 (52) BLJR 636, 2004 (2) JCR 390 Jhr, Hon'ble Jharkhand High Court has left the disputed properties of religious societies to be settled in the civil suit capacity in the following terms -

“11. Pending these appeals, in our view, that the property was in media as it were in view of the findings rendered by the Single Judge, we had appointed the Committee of the Society registered under the Societies Registration Act as the receiver of the property in question including the mosque. Now that we have upheld the right of the Society to be in management, subject to the result of any suit that may be filed in that behalf, it is necessary to direct that the receivership of the Society Committee will stand terminated and the Society Committee will assume possession and management of the properties in its own right, keeping true and proper accounts and discharging its obligations under the Societies Registration Act, 1860. The Society and its Managing Committee would be entitled to secure the premises of the shops and the mosque from interference by members of the Wakf Committee and their followers and to administer the properties and the mosque in accordance with law. The Society Committee will also be entitled to be in control of all the affairs of the mosque.”

Thus, in view of the objects of the said Societies Registration Act, 1860 (Act No. 21 of 1860) and its entity followed by the aforesaid judicial decisions, solely because of having registration under the said Act, the defendant would not have a right over to the disputed properties. As discussed above and under issue no. 7, in the instant case, I could not followed the ratio of the decisions of Hon'ble Court of Addl. District Magistrate (Judicial), Lunglei District in Title Suit No. 1 of 2001 adjudicated the disputes on the Thingfal UPC Church and also adjudicated similar case on Mualthuam 'N' Local Church in Title Suit No. 3 of 1996 on 7<sup>th</sup> April, 2006 and 21<sup>st</sup> Jan., 2000 respectively as I am impelled to look justice through justice, good conscience and equity as evidence and the Bye Laws itself speaks that the local church properties were procured/acquired from the contributions of all members in the society/organizations. In otherwords, the instant incident is mass broke out of the UPC rules and regulations/bye laws beyond the entity of Obligations imposed under S. 5, Chapter- 1 of the Local Bye Laws as Bye Law No. 4 of the UPC North East India where the church authority in the society of UPC of North East India also fails to perform their duty assigned to them by their Bye Laws to settle all disputes amongst the members which invite the interference of the court.

In this sphere, one simple example may be taken that during 1966, when the then MNF insurgent group fought independence from India, if they

succeed to fight out of independence, they will be beyond the edifice of the Constitution of India. Luckily or unluckily, they fails to fight out, the so called 'Peace Accord' was thereby signed within the framework of the holy Constitution of India. In the instant case, the matter requires to look beyond the Bye Laws of the UPC of North East India as the present UPC of Mizoram is not remain governed by the said Bye Laws of the UPC of North East India. As the present members of the UPC of Mizoram (as deposed by various PWs) were also contributed for the acquisition of the disputed properties, if I ignore their strenuous effort by having contribution at their own level best since inception for the disputed properties, in my opinion, this court will fails to see the well settled legal maxim viz. '*Ubi Jus Ibi Remedium*' which is also recognized by the Hon'ble Supreme Court in **Fertilizer Corporation Kamgar Union (Regd.), Sindri & Ors. vs Union Of India And Others** decided on 13 November, 1980 and reported in 1981 AIR 344, 1981 SCR (2) 52.

### **Issue No. 10**

#### **Whether the suit properties are belonging to the plaintiffs or to the Defendants. If so, on what basis.**

Before going through the discussions on the findings, it may be necessary to look into the exact relief sought for-

- (1) The plaintiff No. 1 claimed all the district properties held in the name of the N. Mizoram District UPC such as (i) the District Headquarters Office building (ii) Printing Press and its building (iii) Bookroom with the building and all volumes of the books and other moveable properties (iv) Sunday School building under Pass No. 8 of 1986 located at Mualpui- Aizawl, a plot of land located at Kawlthei Huan, Mission Veng- Aizawl and (v) Two vehicles (Gypsy B/R No. ZRA/0051 and Maruti Car- MZ-01/2465 and (vi) all the Pastor quarters within the N. Mizoram District UPC. The lacunae on specific relief is filled by the plaintiff no. 1 through his deposition as witness that – "Out of Pastor quarters, those at Tuikhuahtlang, Chaltlang, Durtlang, Bukpui, Kawnpui, West Phaileng, Kawrthah are being occupied by the Pastors of UPC of Mizoram while those at Bairabi, Mamit, Reiek, Sialsuk, Aibawk, Thenzawl are under occupation of the Pastors of UPC of North East India. The Pastor quarters at Lengpui, Kolasib, Bilkhawthlir, Vairengte and Dinthar (Now under construction) are under lock and key. The Sunday school building which is being used for running PG High School managed by the members of the UPC of North East during the week days is used by them for having Sunday School on every Sunday. The said two vehicles viz. Gypsy and Maruti Car were sold by the members of the UPC of North East India without the knowledge and prior permission of the authorities of the UPC of Mizoram which were registered in the name of the UPC of North Mizoram. Although a complaint was filed and directed the defendant to deposit the sale proceeds to the court, the defendant remain fails to deposit the same till date." The plaintiff no. 1 therefore prayed to declare as title and ownership of the same.

- (2) The plaintiff No. 2 prayed to declare the title of Misc Pass No. M. 48/1954 which was superseded by Misc Pass No. M. 89 of 1954 and again superseded by Misc Pass No. 13 of 1970 located at Tuikhuahtlang, Aizawl over which the headquarters local church building, the Sunday School Hall, the Headquarters Office, the Press building and the bookroom are all located to be in favour of the plaintiff no. 2
- (3) The plaintiff No. 3 prayed to declare the title of land and church building located at Chanmari, Aizawl under Misc Pass No. 27 of 1972 which was constructed and opened on 15.2.1976. The said building was reconstructed by the plaintiff church and is not yet completed till filing of the suit to be in favour of the plaintiff no. 3
- (4) The plaintiff No. 4 prayed to declare the title of Land Lease No. 6 of 1993 located at Chaltlang- Aizawl and the church building located therein the church building thereat was constructed with RCC structure with effect from 1990 and the same was completed in 1992 by spending over two lakhs rupees. The said church also procured other moveable properties like Benches, Desks, Almirahs, books etc. to be in favour of the plaintiff no. 4

On the other hand, the defendant prayed that this court may be pleased to dismiss the suit with cost and declare the defendant, North Mizoram District UPC and the local Churches of UPC Chaltlang, Chandmari and Tuikhuahtlang to be the owner of the properties claimed by the plaintiff No. 1 to 4 jointly. And restrain the plaintiff No. 1 to 4 from disturbing the possession of those properties by the defendant, North Mizoram District UPC, and the aforesaid local churches.

To epitomize, whether the disputed properties as submitted in the plaint will be under the ownership of the plaintiffs or the defendant is the concise crux in the instant case.

Pertinently, the plaintiffs through their evidence alleged that as per the Bye Laws of the UPC of North East India, all the properties belonging to the UPC of North East India will be put in the name of the General Superintendent of the UPC of North East India. But, under clause (6) of section 1 of Chapter- 7 (Power and Functions of the Officers) in their General Bye Laws as Bye Law No. 1, it merely stipulated that all church properties shall be in the custody of the General Superintendent supported by the objects which the society established as per paragraph no. 3 (a) of the Memorandum of Association of the United Pentecostal Church of North East India.

As per the findings under issues no. 7, 8 and 9, none of the parties could claim the disputed properties as original owner as a matter of legal rights as they jointly have had involvement for acquisition of the disputed properties by having contribution for the same and split into two without

any cogent and valid agreement by leaving the uphill and cumbersome task to adjudicate in this court.

### **Issue No. 11**

**Whether the plaintiffs are entitled to the reliefs claimed. If so to what extend.**

As already findings under issue no. 10, the plaintiffs must have entitle some relief but not totally following their prayer of relief in the plaint. As per the findings under issue no. 9, only justice, equity and good conscience will be the guiding principles for determining entitlement on the disputed properties. In my view, factors like (i) **numbers of members at the time of split** (ii) **value of the suit properties** (iii) **contribution of members/parties for acquisition of the suit properties**. Meanwhile, the plaint and subsequent evidence till arguments is not helpful for the same. I must take reliance barely on preponderance of probabilities as recognised in civil proceedings by the Hon'ble Supreme Court in **Cholan Roadways Limited Vs. G. Thirugnanasambandam** reported in 2004 (10) SCALE 578 and by taking the ratio laid down by the Hon'ble Allahabad High Court in the famous Ayodhya case decided on 30-09-2010 in Other Original Suit (OOS) No. 1 of 1989 Shri Gopal Singh Visharad Vs. Zahur Ahmad and 8 others, OOS No. 3 of 1989 Nirmohi Akhara etc. Vs. Baboo Priya Dutt Ram and others, OOS No. 4 of 1989 Sunni central Board of Waqfs U.P. Lucknow and others Vs. Gopal Singh Visharad and others and O.O.S. No. 5 of 1989 Bhagwan Sri Ram Virajman at Ayodhya and others Vs. Rajendra Singh and others that-

*“Accordingly, all the three sets of parties, i.e. Muslims, Hindus and Nirmohi Akhara are declared joint title holders of the property/ premises in dispute as described by letters A B C D E F in the map Plan-I prepared by Sri Shiv Shanker Lal, Pleader/ Commissioner appointed by Court in Suit No.1 to the extent of one third share each for using and managing the same for worshipping.*

*A preliminary decree to this effect is passed.*

*However, it is further declared that the portion below the central dome where at present the idol is kept in makeshift temple will be allotted to Hindus in final decree.*

*It is further directed that Nirmohi Akhara will be allotted share including that part which is shown by the words Ram Chabutra and Sita Rasoi in the said map.*

*It is further clarified that even though all the three parties are declared to have one third share each, however if while allotting exact portions some minor adjustment in the share is to be made then the same will be made and the adversely affected party may be compensated by allotting some portion of the*

*adjoining land which has been acquired by the Central Government.”*

As the instant dispute is within the family problems of one denomination due to filigreeing from the teachings and principles of Holy Bible, instead of not only dealt the case on the technicalities of law points, justice may be met by dealing the heckle on understanding the ethos and futuristic zeal of disputed parties like in the said famous Ayodhya case and as observed by the Hon’ble Apex Court in the case of **M.S. Grewal v. Deep Chand Sood** reported in (2001) 8 SCC 151 rather than mere technicalities towards justice within the umbrella of nature tailored embroidered laws. In the said points for determination of entitlement and it’s extent viz. (i) **numbers of members at the time of split** (ii) **value of the suit properties** (iii) **contribution of members/parties for acquisition of the suit properties**. There can be no record and documents to reveal the number of members of parties at the time of split and no accurate submissions on value of the suit properties is also found, contributions of individual members or parties for acquisition of the suit properties can not be ascertained with a simple cogent reason that donation collected by the church is voluntary in nature depends on the will and capacity of the individual members, the number of the members of the church could not also determined the quantum of contribution for acquisition of the suit properties. However, due to lack of any other statistics and documents, reliance may be taken from the recent Statistical Handbook, Mizoram- 2010 published by the Directorate of Economics and Statistics, Govt. Of Mizoram which contemplated that during 2009-2010, the Local Church of UPC of North East was 464 and the total members was 90,370 whereas, at the same period, the Local Church of UPC of Mizoram was 370 and the total member was 43,890. Meanwhile, the UPC of North East employed 188 permanent workers and 50 numbers of temporary workers with sponsoring missionaries of 123. The UPC of Mizoram employed 83 permanent workers and 24 numbers of temporary workers with sponsoring missionaries of 79. Presumption can therefore be made that the UPC of North East India will be morethan the other UPC of Mizoram even at the time of split into two. The entitlement/deed may also variant in accordance with the strength of members as the disputed properties were acquired from the contribution of members of the parties.

### **ORDER**

May be because of the stringent religious doctrine also embodied under clause (2) of Section 1 read with section 6 under Chapter- 3 (Marriage and Divorce) of Bye Law No. 1 (General Bye Law) and since 1950 till split into two in 1995, both the plaintiffs and the defendant as worked together under the same doctrine and Bye Laws, I must presumed that all the members of the plaintiffs and the defendant are close relatives as preclude to marriage other faith in denominations and religions. This order may also be easily digested by parties with a simple reason that they are expecting that they must wish their opponent’s benefits and interest rather than their own cause. Needless to say is that their doctrine, beliefs, tenet, religious practices and faith remains similar in nature and further expected by this

court to see a day when they re-merged and work together solely for the greatness and holiness of Almighty. The main reasons for decisions reach by this court in the following terms in this case is also only because of such yearning to join their hands together under the same leadership whatever their names may be, which is the very best wishes and desire of this court and which could make them both parties in repute, credible, reliable and vigorous for receiving the blessings of Almighty to eschew on personal egos, pride and vested interest as enlightened by the Holy Bible. IF THEY (THE PLAINTIFFS AND THE DEFENDANT) FAILS -

UPON the findings in the various issues as discussed above, it is hereby ORDERED and DECREED that –

The plaintiff no. 1 is declared and decreed as the rightful and legal owner of the Pastor Quarters with the landed properties located at Tuikhuahtlang, Chaltlang, Durtlang, Bukpui, Kawnpui, West Phaileng, Kawrthah with the landed area including other moveable properties located therein. The plaintiff no. 1 is further declared and decreed to entitle the Pastor quarters with the landed properties located at Lengpui, Kolasib, Bilkhawthlir, Vairengte and Dinthar (Now under construction) which are put under lock and key and the Sunday school building with the landed properties including other moveable properties located therein which is being used for running PG High School and which is presently used by them for having Sunday School.

The plaintiff no. 3 is hereby declared and decreed as the rightful and legal owner of land and church building located at Chanmari- Aizawl under Misc Pass No. 27 of 1972 as ownership including other moveable properties located therein.

The defendant is declared and decreed to entitle (i) the District Headquarters Office building (ii) Printing Press and its building (iii) Bookroom with the building and all volumes of the books and other moveable properties (iv) Sunday School building under Pass No. 8 of 1986 located at Mualpui- Aizawl, a plot of land located at Kawlthei Huan, Mission Veng- Aizawl including all other moveable properties located therein and (v) Two vehicles (Gypsy B/R No. ZRA/0051 and Maruti Car- MZ-01/2465. The defendant is further declared and decreed as rightful and legal ownership of the Pastor Quarters located at Bairabi, Mamit, Reiek, Sialsuk, Aibawk, Thenzawl including other moveable properties located therein and also declared the defendant as the owner of Misc Pass No. M. 48/1954 which was superseded by Misc Pass No. M. 89 of 1954 and again superseded by Misc Pass No. 13 of 1970 located at Tuikhuahtlang, Aizawl over which the headquarters local church building, the Sunday School Hall, the Headquarters Office, the Press building and the bookroom (inclusive of all volumes of books available therein) are all located.

The defendant is further declared and decreed as the holder of Land Lease No. 6 of 1993 located at Chaltlang- Aizawl and the owner of the church building located therein including other moveable properties like Benches, Desks, Almirahs, books etc. remains in the said church.

The concerned parties are directed to hand over the respective documents pertaining to suit properties to the concerned decree holders within 90 (ninety) days or till the appeal period is over. The concerned parties are further directed to approach the concerned Superintendent of Police for opening of the suit properties and handing over of the said documents by directing them that it shall be done only under the supervision of the concerned Superintendent of Police or any other reliable Police Officer assigned by him in his behalf, the concerned Superintendent of Police are therefore kindly directed to make necessary security arrangement for opening of the disputed properties towards public peace and tranquility by collecting keys used to put under lock and key of the suit properties from the District Magistrate concerned for opening of the same or authorized him/them to break the lock/keys/doors if deem fit and proper in pursuance of this order.

The District Magistrate, Aizawl District is also kindly directed to see the process for realization of this order for his satisfaction of peace and secure public life and to release the respective keys of the locked/closed church buildings to the respective decree holders or the concerned District Superintendent of Police within 90 (ninety) days or till the appeal period is over with a cordial liaison with the concerned District Superintendent of Police.

The proforma defendant viz. Director, Land, Revenue and Settlement Department, Govt. of Mizoram is directed to response and pay sincere efforts on the application if any preferred to him by the decree holders to mutate/modify of their respective landed documents within the ambit of the existing land and revenue laws towards avoiding future enmity in the ownership/possession of the suit properties.

No order as to costs due to peculiarities of the case, the case shall stand disposed of

Give this copy to all concerned including decree.

Given under my hand and seal of this court on this 9<sup>th</sup> August, 2011 Anno Domini within the premises and during the working hours of this court and is pronounced in an open court.



**Dr. H.T.C. LALRINCHHANA**

Senior Civil Judge- 2

Aizawl District: Aizawl



Copy to:

1. Rev. Chhunglawma, District Superintendent, N. Mizoram District- United Penticostal Church through Mr. L.H. Lianhrima, Advocate
2. Mr. Lalnunmawia, Chairman, Hqrs., Local Church Board Committee, United Penticostal Church, Tuikhuahtlang- Aizawl through Mr. L.H. Lianhrima, Advocate
3. Mr. Chalkunga, Chairman, Church Board Committee, United Penticostal Church, Chanmari- Aizawl through Mr. L.H. Lianhrima, Advocate
4. Mr. Laldawngliana, Chairman, Church Board Committee, United Penticostal Church, Chaltlang- Aizawl through Mr. L.H. Lianhrima, Advocate
5. The General Superintendent, United Penticostal Church, North East India, Headquarter at Jingkieng- Shillong, Meghalaya through Mr. W. Sam Joseph, Advocate
6. The Director, Land Revenue and Settlement Department, Govt. of Mizoram, Mizoram- Aizawl through Mr. R. Lalremruata, AGA
7. P.A. to Hon'ble District & Sessions Judge, Aizawl Judicial District- Aizawl
8. The District Magistrate, Aizawl District: Aizawl
9. The Superintendent of Police, Aizawl District- Aizawl
10. Superintendent of Police, Kolasib District- Kolasib through DGP, Mizoram- Aizawl towards timely delivery and timely action
11. Superintendent of Police, Mamit District- Mamit through DGP, Mizoram- Aizawl towards timely delivery and timely action
12. Case record

PESKAR

**IN THE COURT OF SENIOR CIVIL JUDGE- 2  
AIZAWL DISTRICT: AIZAWL**

**DECREE**

TITLE SUIT NO. 02 (A) OF 1996

*Plaintiffs:*

1. Rev. Chhunglawma  
District Superintendent  
N. Mizoram District  
United Penticostal Church
2. Mr. Lalnunmawia  
Chairman, Hqrs.  
Local Church Board Committee  
United Penticostal Church  
Tuikhuahtlang- Aizawl
3. Mr. Chalkunga  
Chairman  
Church Board Committee  
United Penticostal Church  
Chanmari- Aizawl
4. Mr. Laldawngliana  
Chairman  
Church Board Committee  
United Penticostal Church  
Chaltlang- Aizawl

*By Advocates*

: 1. Mr. L.H. Lianhrima  
2. Mr. Lalhriatpuia

*Versus*

*Defendant's:*

The General Superintendent  
United Penticostal Church, North East India  
Headquarter at Jingkieng  
Shillong, Meghalaya

*By Advocates*

: 1. Mr. W. Sam Joseph  
2. Mr. F. Lalengliana

*Proforma defendant:*

The Director  
Land Revenue and Settlement Department  
Govt. of Mizoram  
Mizoram- Aizawl

*By Advocates* : 1. Mr. R. Lalremruata, AGA  
2. Miss Bobita Lalhmingmawii, AGA

Date of Judgment & Order : 09 -08 -2011  
Date of Decree : 09 -08 -2011

### **BEFORE**

Dr. H.T.C. LALRINCHHANA, Sr. CJ- 2

This suit coming on this 9<sup>th</sup> August, 2011 for final disposal before Dr. H.T.C. Lalrinchhana, Senior Civil Judge - 2 in the presence of Mr. L.H. Lianhrima & Ors., Advocates for the plaintiff and of Mr. W. Sam Joseph & Ors. Advocates for the defendants and Mr. R. Lalremruata & Ors. AGA for the proforma defendant, it is ordered and decreed that the plaintiff no. 1 is declared as the rightful and legal owner of the Pastor Quarters with the landed properties located at Tuikhuahtlang, Chaltlang, Durtlang, Bukpui, Kawnpui, West Phaileng, Kawrthah with the landed area including other moveable properties located therein. The plaintiff no. 1 is further declared and decreed to entitle the Pastor quarters with the landed properties located at Lengpui, Kolasib, Bilkhawthlir, Vairengte and Dinthar (Now under construction) which are put under lock and key and the Sunday school building with the landed properties including other moveable properties located therein which is being used for running PG High School and which is presently used by them for having Sunday School.

The plaintiff no. 3 is hereby declared and decreed as the rightful and legal owner of land and church building located at Chanmari- Aizawl under Misc Pass No. 27 of 1972 as ownership including other moveable properties located therein.

The defendant is declared and decreed to entitle (i) the District Headquarters Office building (ii) Printing Press and its building (iii) Bookroom with the building and all volumes of the books and other moveable properties (iv) Sunday School building under Pass No. 8 of 1986 located at Mualpui- Aizawl, a plot of land located at Kawlthei Huan, Mission Veng- Aizawl including all other moveable properties located therein and (v) Two vehicles (Gypsy B/R No. ZRA/0051 and Maruti Car- MZ-01/2465. The defendant is further declared and decreed as rightful and legal ownership of the Pastor Quarters located at Bairabi, Mamit, Reiek, Sialsuk, Aibawk, Thenzawl including other moveable properties located therein and also declared the defendant as the owner of Misc Pass No. M. 48/1954 which was superseded by Misc Pass No. M. 89 of 1954 and again superseded by Misc Pass No. 13 of 1970 located at Tuikhuahtlang, Aizawl over which the headquarters local church building, the Sunday School Hall, the

Headquarters Office, the Press building and the bookroom (inclusive of all volumes of books available therein) are all located.

The defendant is further declared and decreed as the holder of Land Lease No. 6 of 1993 located at Chaltlang- Aizawl and the owner of the church building located therein including other moveable properties like Benches, Desks, Almirahs, books etc. remains in the said church.

The concerned parties are directed to hand over the respective documents pertaining to suit properties to the concerned decree holders within 90 (ninety) days or till the appeal period is over.

Given under my hand and seal of the Court, this 9<sup>th</sup> day of August, 2011.

Seal of the court



Judge