

GAHC030004042023



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : RFA/27/2023**

Sh. V.L. Robiaka and 8 Ors.  
Corps Secretary  
S/o Sawnga (L)  
Salvation Army Dinthar Corps      2: Sh. Lalduhthlanga

3: Sh. K. Thanghlira

4: Sh. H. Vanlalruata

5: Smt. K. Vanlalruali

6: Smt. V. Sangthuami

7: Smt. Kapthuami

8: Smt. Khawlthangi

9: Smt. Z.D. Lawmzual

VERSUS

The Salvation Army and 3 Ors.  
Incorporated Under the Indian Companies Act 1913, having its registered Office at  
79A, Sheik Hafizudding Marg, Byculla, Mumbai-400008, Represented by the  
National Secretary.37, Lenin Sarani (1st Floor), Dharamtala Street, P.O. Box No.  
8894, Kolkata-13, West Bengal, India.      2:The Territorial Commander

3:The Divisional Commander

4:The Commanding Officer (CO)

**Advocate for the Petitioner** : Ms. Rosalynn L Hmar

**Advocate for the Respondent** : Mr. J H Ramneihmawia

**BEFORE**

**HON'BLE MR. JUSTICE SANJEEV KUMAR SHARMA**

Date on which judgment is reserved : **11.06.2026**

Date of pronouncement of judgment : **18.06.2026**

Whether the pronouncement is of the operative part of the judgment ? : N/A

Whether the full judgment has been pronounced? : Yes

**JUDGMENT & ORDER (CAV)**

Heard Ms. Rosalynn L. Hmar, learned counsel for the appellants. Also heard Mr. J. H. Ramneihmawia, learned counsel for the respondents.

**2.** By filing this appeal under Section 17(2) of the Mizoram Civil Court Act, 2005 read with Order XLI CPC and section 151 CC, the appellants have assailed the impugned Judgment and Order dated 12.05.2023 and Decree dated 12.05.2023 in Declaratory Suit no. 12/2014 passed by the learned Senior Civil Judge-II, Aizawl Judicial District whereby the Declaratory suit has been

dismissed.

**3.** The appellants herein as plaintiffs instituted a suit against the present respondents before the learned Senior Civil Judge, Aizawl for a Decree declaring that the Letter dated 02.04.2014 issued by the Divisional Commander, The Salvation Army to the Commanding Officer, Dinthar Corps, The Salvation Army as null and void and that the plaintiffs/appellants are entitled to hold their respective posts in the Salvation Army and for an order of temporary as well as permanent injunction restraining the defendants/respondents and their men, agent, attorney, representatives, etc. not to interfere in the peaceful enjoyment and occupation of the church and its building.

**4.** The plaintiffs stated in their plaint that the plaintiffs are hailing from Dinthar locality, Aizawl Mizoram and are the bona-fide citizen of India. They are a member of The Salvation Army holding the post of Corps Sergeant Major (CSM), Corps Secretary (CS), Corps Treasurer (CT), Quartermaster (QM), Corps Literature Secretary (CLS), Young People's Guard (YPG), Home League Treasurer (HLT), Assistant Home League Secretary (AHLS), Home League Visiting Sergeant (HLVS), Cradle Roll Sergeant (CRS) and Young People's Treasurer (YPT) respectively. The Defendants are also Officers of the Salvation Army under the India Eastern Territory, who are superior and the higher

authority compare with the offices/designations/positions of the plaintiffs. All the plaintiffs are represented by Shri. R. Thankhuma, Corps Sergeant Major (CSM), s/o Lalchuanga (L) The Salvation Army, Dinthar Corps, Dinthar, Aizawl by virtue of Special Power of Attorney duly executed by other Plaintiffs in his favour.

**5.** The plaintiffs are the commissioned/ordained Local Officers of Dinthar Corps, Aizawl, Mizoram as mentioned in the respective post mentioned in the Cause Title. The Defendant No.3 issued the impugned letter dated 2nd April, 2014 which was nullifying the position/designation of the Plaintiffs without assigning any reason thereof. But the said letter seems to be issued under the provision of Chapter 1, Section 3:5 of the Order and Regulation for Local Officers. 1994.

**6.** The defendant No. 1, i.e., the Salvation Army is incorporated as a company under the Indian Companies Act with its registered office at Mumbai.

**7.** The Salvation Army is composed of people who experienced forgiveness of sin and conversion by Divine power, are enlisted under its banner as 'Soldiers' fighting for God and souls. These Soldiers are united and associated in their respective Corps. The Corps is operating under the control and supervision of the Territorial Headquarters through the Divisional Commander which is further

governed by the Orders and Regulations made and published for Corps Secretaries and Treasurers with regard to Corps Finances.

**8.** There are also Local Officers in each Corps who were appointed from amongst men and women Soldiers capable of performing any duties given to them for the improvement and development of the objects of the Salvation Army in their respective Corps and also to assist the Commanding Officer. They are commissioned by the Divisional Commander and their Commission may be presented either by Divisional Commander or Commanding Officer in a public meeting so the Corps may receive its newly appointed Local Officers. The plaintiffs are such Local Officers duly commissioned to serve God's mission through the post held by them in Dinthar Corps, Aizawl, Mizoram, India.

**9.** The plaintiffs rendered their services to God as well as to the Corps. However, to their utter surprise, the Defendant No. 3 issued the impugned letter to the Defendant No. 4, informing him that the Commission of the plaintiffs was cancelled with immediate effect. The plaintiffs were also directed to submit any books of the Corp kept by them immediately. This letter surprises the plaintiffs and majority of the soldiers of Dinthar Corps and the society at large since the same was issued without giving prior opportunity of being heard and further that it was issued when the plaintiffs are rendering all the efforts to the Corps

and there is no instances of violation of any Orders & Regulations from their ends. The said letter does not speak about the reason for cancellation of their commission but in highlighted that the letter was issued in pursuance of Chapter- I, Section 3:5 of the Order and Regulation for Local Officers. In this connection it may be pertinent here to mention that the said Section 3:5 provided that;

"4. If the local officer wish to resigned or change his duties in any way, he shall submit his commission letter to the CO, who shall send it to the DC with an explanation."

"5. With the approval of the DC, the commission of the Local Officers may be suspended or terminated.

a) Any violation of the local officer's oath shall result in the dismissal of his commission.

b) Only those who can give the commission can terminate the commission only if they are authorized by the THQ."

**10.** It was contended that from the plain reading of these Provisions, it is crystal clear that the Provision of Section 3:5 can be invoked only when the Local Officer is willing. to abandon or alter his/her Commission. In the instant case there in no any willingness on the part of the Plaintiffs (Local Officers of Dinthar Corps). Therefore, the impugned letter dated 2<sup>nd</sup> April, 2014 is illegal, baseless and no authenticity from the provision of Order and Regulations for

Local Officers. Moreover, the said impugned letter is issued in violation the Principle of Natural Justice in as much as an opportunity of being heard was not given to the Plaintiffs. Under such circumstances, the impugned letter is liable to be declared null and void.

**11.** Further, the impugned letter dated 02.04.2014 was issued beyond jurisdiction. It was issued by the defendant No. 3 as aforesaid. In fact, as per Section 3:3 of the Orders and Regulations for Local Officers, the Commanding Officer i.e. the Defendant No. 4 had to suspend (take back) the Commission of the Plaintiffs' after obtaining written permission from the DC. In the instant issue, the defendant No 3 illegally cancel the Commission order and the bonds since, the bond is approved ad agreed by the Territorial Headquarters. Therefore, the impugned letter is liable to be declared null and void on this ground alone. In other words, no suspension or cancellations of the Plaintiff's Commission was done yet by the competent authority till today.

**12.** The defendants/respondents herein filed joint written statement contending therein that the plaintiffs were part of the defendants till they voluntarily declared independence on 28<sup>th</sup>March 2014 and also in the night service on dated 29<sup>th</sup>March 2014, the plaintiff No.2 announced the declaration

of independence from the Headquarters and again repeated the declaration on the Holiness Meeting on 30<sup>th</sup> March 2014 before the congregation. As the said plaintiffs along with some others had declared independence, they cannot call themselves as members of the Salvation Army. Since the plaintiffs are representing a group of persons who left the defendants, the plaintiff no.1 cannot represent other plaintiffs and other persons whom they are representing. Since the plaintiffs have severed association with the defendants voluntarily, they cannot retain any of the responsibilities bestowed upon them by the defendants. By their own decision, the plaintiffs ceased to be the members of the Salvation Army.

**13.** Since the plaintiffs have declared themselves independent and severed connection with the defendants the defendants were left with no other option but to issue the letter dated 2<sup>nd</sup> April, 2014 decommissioning them. All the actions were taken by the defendants as per the O & R and other circulars and instruction of the defendant no.1.

**14.** The defendants also filed a counter claim seeking a decree of declaration that the plaintiffs No. 1 to 11 and those whom they are representing, on leaving The Salvation Army have lost all right to call themselves members of The

Salvation Army and to use their uniform, insignia, commissioned posts, etc., and also for a declaration that they have no right to enter into the immovable properties of The Salvation Army as mentioned in the schedule thereto and to confirm the title of the defendants over the same immovable properties. Decree was also sought for direction to the plaintiff No. 2 to hand over the ownership certificates/documents of the immovable properties and for mandatory and permanent injunctions in terms of the aforesaid prayers.

**15.** The plaintiffs also filed their written statement against the counter claim of the defendants. The learned Trial Court on the basis of the aforesaid averments framed the following issues:

1. Whether the plaintiff no. 1 can represent all other plaintiffs without getting permission of the Court?
2. Whether the plaintiffs had already deemed to be independent from the defendants in the meeting held on 28.03.2014. If so, whether the plaintiffs have any right to file the present suit?
3. Whether the defendants/counter claimants acted in the manner and the provisions of Orders and Regulation adopted by the Salvation Army?
4. Whether the impugned order dated 02.04.2014 issued by Divisional Commander, Central North Division of the Salvation Army is valid or not?
5. Whether the plaintiff is entitled to their relief claimed? If so, to what

extent?

6. Whether the defendant/counter claimant is entitled to their reliefs claimed? If so, to what extent?

**16.** Thereafter, in order to establish their case, the plaintiffs examined themselves as Plaintiff witnesses except the Plaintiff no.3 and exhibited a number of documents in support of their case. After the Plaintiff closed their evidences, the defendants examined the defendant No.2 as the lone defendants witness and exhibited a number of documents in support of their case.

**17.** The learned Trial Court after considering the evidence on record and hearing the parties decided the issues No. 1, 3 and 4 in favour of the plaintiffs but decided Issue Nos. 2 and 5 against the plaintiffs and in favour of the defendants and thereby dismissed the suit and also by deciding the Issue No. 6 relating to the counter claim in favour of the defendant decreed the counter claim.

**18.** Learned counsel for the appellants advanced her submissions as to the legality of the impugned Order dated 02.04.2014 issued by the Divisional Commander, Central North Division of the Salvation Army, which issue has already been decided in favour of the plaintiffs/appellants and therefore, requires no further discussion.

**19.** Therefore, the only point for determination is whether the learned Trial Court rightly held that the plaintiffs/appellants must be deemed to have become independent from the defendants/respondents by their own actions and whether they are entitled to any of the reliefs claimed.

**20.** On perusal of the impugned Judgment and evidence on record, it appears that the learned Trial Court had duly considered the evidence on record to come to its finding in the affirmative to the aforesaid issue.

**21.** The evidence in this regard may be recapitulated.

**22.** The plaintiff No.1, Pu R.Thankhuma stated under paragraph 8 of his cross examination that it is a fact that he along with V.L.Robiaka in their capacity as Corps Secretary, Dinthar Corps and Sergeant Major, Dinthar Corps signed a document in which they stated that "Dt 28th March 2014 (Friday) held a gathering of Dinthar Corps and The Salvation Army and after deep thought, resolved the following:-

*"Our Corps was abandoned by the Headquarters for the period of nearly two (2) years, after they refused to accept our linkage through Divisional centage, it is not possible for us hardly to continue to join the headquarters, we felt in deep pain that we have no choice except admitting the decision of the headquarters that our Corps was abandoned and left behind.*

*From today onwards i.e 28th March' 2014 we tell ourselves that Dinthar Corps is having no further link by managing ourselves and there no other authority above us except God. We also tell the Commanding Officer who monitor the Dinthar Corps on behalf of Headquarters to leave Dinthar Corps within a period of one week from this day"*

**23.** During cross examination, PW-2, V.L. Robiaka also stated paragraph No. 7 that it is a fact that he along with Pu R.Thankhuma in their capacity as Corps Secretary, Dinthar Corps and Sergeant Major, Dinthar Corps signed a document in which they stated that "Dt 28th March 2014 (Friday) held a gathering of Dinthar Corps and The Salvation Army and after deep thought, resolved the following:-

*"Our Corps was abandoned by the Headquarters for the period of nearly two (2) years, after they refused to accept our linkage through Divisional centage, it is not possible for us hardly to continue to join the headquarters, we felt in deep pain that we have no choice except admitting the decision of the headquarters that our Corps was abandoned and left behind.*

*From today onwards i.e 28th March' 2014 we tell ourselves that Dinthar Corps is having no further link by managing ourselves and there no other authority above us except God. We also tell the Commanding Officer who monitor the Dinthar Corps on behalf of Headquarters to leave Dinthar Corps within a period of one week from this day"*

**24.** Under paragraph No.8, Pw-2 further stated that Exbt.D-1 is the resolution mentioned above and Exbt.D-1(a) is the signature of R.Thankhuma and Exbt.D-1(b) is my signature. When we passed the Exbt.D-1 we gather in my house and apart from both of us there were many people's including C. Vanramlawma,

Lalduhthlana, K. Thanghlira, H. Vanlalruata, K. Vanlalruali, V.Sangthuami, Kapthuami, Kawlthangi and ZD Lallawmzuali.

**25.** Shri R.Thankhuma and Shri VL Robiaka were signatory to Ext D-1 but all other plaintiffs were also party to it and this can be seen from the deposition made by them before the court.

**26.** During cross examination, PW No. 4, Pu Lalduhthlanga stated that in paragraph no.12 that "Exbt.D-1 is the Resolution mentioned above and Exbt.D-1(a) is the signature of R. Thankhuma and Exbt.D-1(b) is the signature of Pu VL Robiaka. When we passed the Exbt.D-1 we gathered in the house of Pu VL Robiaka and apart from myself there were many people's including R. Thankhuma, VL Robiaka, C.Vanramlawma, K.Thanghlira, H. Vanlalruata, K. Vanlalruali, V.Sangthuami, Kapthuami, Kawithangi and ZD Lallawmzuali were present. "

**27.** During cross examination, PW No. 5, Pu K.Thanghlira stated in paragraph 7 & 8 that "It is a fact that in the meeting held on 28<sup>th</sup> March 2014 it was decided that our group would go separate from the Salvation Army(defendant no.1).

It is a fact that before we parted from the defendant by passing the

resolution Exbt.D.1 we used to submit our collections such as *silaimu* and self support fund to the Territorial Hqrs."

**28.** During cross examination, PW No. 6, H.Vanlalruata stated in paragraph no. 8 that "Exbt.D-1 is the Resolution mentioned above. When the decision was taken I was also present."

**29.** During cross examination, PW No. 7, K.Vanlalruati stated in paragraph no. 12 that "It is a fact that before we parted from the defendant by passing the resolution Exbt.D.1 we used to submit our collections such as *silaimu* and self support fund to the Territorial Hqrs."

**30.** During cross examination, PW No. 8, V.Sangthuami also stated in paragraph no. 8 that "Exbt.D-1 is the Resolution mentioned above. When we passed the Exbt.D-1 we gather in the house of Pu V.L Robiaka and apart from me there were many people's including R. Thankhuma, V.L. Robiaka, C. Vanramlawma, Lalduhthlana, K.Thanghlira, H. Vanlalruata, K.Vanlairuali, Kapthuami, Kawithangi and ZD Lallawmzuali."

**31.** During cross examination, PW No.9, Kapthuami stated in paragraph no. 7 that "When we passed the Exbt.D-1 we gather in the house of Pu V.L. Robiaka and apart from me, there were many people's including R. Thankhuma (L), C.

Vanramlawma (L), Lalduhthlana, K.Thanghlira, H.Vanlalruata, K. Vanlairuali, V.Sangthuami, Kawithangi and ZD Lallawmzuali."

**32.** During cross examination, PW No.10, Kawlthangi also stated in paragraph no. 7 that "Exbt.D-1 is the Resolution mentioned above. When we passed the Exbt.D-1 we gather in the house of Pu V.L. Robiaka and apart from me there were many peoples including R. Thankhuma, V.L. Robiaka, C.Vanramlawma, Lalduhthlana, K.Thanghlira, H. Vanlalruata, K. Vanlairuali, Kapthuami, Kawithangi and ZD Lallawmzuali."

**33.** PW No.11, ZD Lawmzuali also stated in paragraph no. 7 of her cross examination that "When we passed the Exbt.D-1 we gather in the house of Pu V.L. Robiaka and apart from me there were many people's including R. Thankhuma, V.L. Robiaka,C. Vanramlawma, Lalduhthlana, K. Thanghlira, H. Vanlalruata, K. Vanlairuali, Kapthuami, Kawithangi and ZD Lallawmzuali."

**34.** Upon elaborate consideration of the aforesaid evidence, the learned Trial Court held as follows:

*"26. On careful consideration of corroborated evidences of the Plaintiffs witnesses as stated above it is evident that being having grievances regarding the administration of Dinthar Corps from the Headquarters, the*

*Plaintiff, except Plaintiff No.4 and 8 were gathered in the house of the Plaintiff No.2 Pu V.L. Robiaka on the night of 28<sup>th</sup> March, 2014 and unanimously resolved to separate themselves from the Salvation Army headquarters. As per the Exhibit D-1, their resolution was signed on behalf of the Plaintiffs by Plaintiff no.1 and 2 and their signatures were also exhibited as Ext. D-1(a) and Ext. D 1(b) respectively. This Court finds no discrepancies in the document exhibited as well as evidences adduced by the Plaintiffs in their cross examinations. Therefore, it is not required for lengthy discussions and it is crystal clear that the Plaintiffs were already deemed to be independent from the Defendants in the meeting held on 28.03.2014 and the present issue is decided against the Plaintiffs and in favour of the defendants.”*

**35.** Therefore, it is of relevance to note that it has come in the evidence of the plaintiffs side itself, more particularly the evidence of PW-2, who deposed during cross-examination that it is a fact that they had already left the Salvation Army by passing the resolution, exhibit D.1, and the defendants did not have any option but to relinquish their commission as Local Officers. The said witness has also admitted that all the movable and immovable properties which were acquired before 28.03.2014, belonged to the defendants. He also stated that the plaintiff's had no working relationship with the defendants since 28.03.2014.

**36.** From the above evidence on record, it is crystal clear that the plaintiffs no

longer continued to be a part of the Salvation Army since the year 2014 and therefore, the issue No. 2 has been rightly decided against the plaintiffs/appellants and consequently, there remains no question of the plaintiffs being entitled to any of the reliefs claimed in the suit. And therefore, the issue No. 5 is also held to have been rightly decided by the learned Trial Court.

**37.** Furthermore, in view of the evidence discussed above, wherein the PW-8 admitted that the properties, both movable and immovable belonged to the defendants/Salvation Army, no error can be said to have been committed by the learned Trial Court in decreeing the counter claims of the defendants.

**38.** In view of the above discussion, I do not find any merit in the instant appeal.

**39.** Accordingly, the appeal stands dismissed with costs.

**40.** Decreed accordingly.

**JUDGE**

**Comparing Assistant**