

IN THE COURT OF THE SUB JUDGE, CHERTHALA
Present:-Ms. Lakshmy.S., Sub Judge
Wednesday, 11th day of April 2025/21st Chaithram 1947

IA 2/2025 in CMA. 07/2025
(Filed on: 02.04.2025)

Petitioner /Appellant :-

Madhu.R, S/o. Padmakshy, aged 64 years,
Chanithara Veedu, Udayanapuram.P.O,
Vaikom, Pin- 686143.

By Adv. T. Jayakrishnan

Cr. Petitioners/ Respondents :-

1. Valiyathara Bhajana Madhom, CMC-6,
Cherthala represented by its secretary, Suresh,
S/o. Peethan, aged about 55 years, Aniyanthara Veedu,
CMC-6, Cherthala – 688 524.
2. Valiyathara Bhajana Madhom, CMC-6,
Cherthala represented by its President, Shibu,
S/o. Pavithran, aged about 50 years, Valiyathara,
CMC-6, Cherthala- 688 524.

By Adv. N. Ratheesh

This petition having been finally heard on 11.04.2025 and the Court on the same day passed the following:-

ORDER

This is an application filed by the appellant to restrain the respondents from making any construction in the plaint schedule item No.1 property where the respondents are allegedly constructing a temple.

2. The learned Munsiff initially granted ad-interim injunction which was later vacated after hearing both sides. Aggrieved by the said Order the present appeal is preferred. When the appeal came up for admission this court passed an order directing both parties to maintain status quo with respect to plaint schedule property as revealed through the Commission Report filed before the trial court, till 9.4.2025.

3. The respondents on receipt of notice entered appearance and filed their objection on 09.04.2025. However, on 9.4.2025 due to boycott by Advocates on account of enhancement of court fee by the Government, there was no representation on either side. Hence, the order was not extended on the said date. On 10.04.2025, the appellant filed petition to advance the hearing of the case along with an application to extent the interim order. The said applications were posted today for hearing.

4. Both sides appeared and submitted their arguments. The learned counsel for the appellant submitted that the respondents are proceeding with construction activities in a war-footing manner. It is submitted that if respondents are not restrained by an interim order the construction would be completed and if

the final decision in the appeal is rendered against the respondents, it would be an impossible task to remove the construction, considering the religious nature of the structure.

5. The learned counsel for the respondents opposed for the prayer for the injunction relying upon the order of the learned Munsiff. However, it is submitted that the 90% of the construction was completed and only roof work was remaining. It is submitted that if roof work is not completed, the entire structure would be collapsed. Since the court is proceeding with mid-summer vacation, this Court finds that there shall be an order to preserve the current status of the property, considering the nature of the structure and the urgency involved.

So, an order of interim injunction is granted for a limited period and respondents are restrained from making any further construction in the plaint schedule property till 20.05.2025. The I.A. stands posted for final hearing on 20.05.2025.

Dictated to the Confidential Assistant, typed by her directly to the Computer, corrected and pronounced by me in open court on this the 11th day of April, 2025.

Appendix:- Nil

Sd/-
LAKSHMY.S
SUB JUDGE

Id/-
SUB JUDGE