

**IN THE COURT OF THE MUNSIFF, HARIPAD.
Present: Smt. Maneesha.K. Bhadran, Munsiff
Friday, 7th March, 2025/16th Phalgunam, 1946**

IA.No.19/2025 in OS. No.345/2023

Filed on 07.02.2025

Petitioners/Defendants:-

1. Sadasivan.S @ Babu, aged 70 years,
S/o Krishnan, Ellapadittathil House,
Thamallackal South Muri,
Kumarapuram Village,
Karthikappally Taluk,
Alappuzha District-690548, Secretary,
Thevalapurath Kudumba Yogam.
2. Sasikumar. S, aged 63 years,
S/o Surendran, Secretary,
Kolath Devaswom Committee,
Haripad. P.O, Haripad Village,
Karthikappally Taluk, residing at
Kalalayam, Thamallackal North. P.O,
Kumarapuram, Haripad, Karthikappally
Taluk, Alappuzha District 690 548.
3. Mohandas. K, aged 65 years,
S/o Kesavan, Puthen Veettil,
Haripad.P.O, Haripad Village,
Karthikappally Taluk,
Alappuzha District.
4. Santhosh. R, aged 50 years,
S/o Rajan, Kanjirathu Veedu,
Tamallackal Thekku,
Kumarapuram Village, Karthikappally
Taluk, Alappuzha District.
5. Vipin Vas, aged 40 years, S/o Vasavan,
Vasavalayam, Thamallackal Thekku,
Thamallackal. P.O, Kumarapuram

- Village, Karthikappally Taluk,
Alappuzha District.
6. Sajeevan. S, aged 60 years,
S/o Girija, Gowreessam,
Nangiarkulangara Muri,
Kumarapuram Village, Karthikappally
Taluk, Alappuzha District.
 7. V. Pramod, aged 50 years,
S/o Ammini, Pramod Bhavanam,
Peringara .P.O, Thiruvalla Village.
 8. Prasanth Haridasan, aged 40 years,
S/oHaridasan,Haridasapuram,
Pothappally Vadakku Muri,
Kumarapuram P.O, Kumarapuram
Village, Karthikappally Taluk,
Alappuzha District.
 - 9 M. K. Ponnama, aged 78 years,
D/o Kunjikutty, Raveendra Bhavanam,
Thulamparambu Thekk Muri,
Haripad Village, Karthikappally Taluk,
Alappuzha District.
 10. Ullas Kumar, aged 55 years,
S/o E. K. Thampi,
Mani Bhavanam, Thamallackal . P.O,
Kumarabhavanam.
 11. E. B. Venugopal, S/o Baskaran,
Koduppattu,Thamallackal.P.O,
Thamallackal.
 12. Baby Sarojam, D/o Kamala Bhai,
Kamalalayam,Pallippadu,Haripad. P.O,
Haripad.

(By Adv. G. Beno)

Respondents/Plaintiffs/

Defendants:

1. Thevalapurathu Family Trust,
Kolathu Devi Temple,
represented by it's President N.
Nadarajan, aged 87 years,
S/o Narayanan residing at Thirveni,
Puthupally South Muri,
Puthupally. P.O, Puthuppally Village.
2. kunjaniyan, aged 75 years,
S/o Kunjupanikkan,
Thettikkattil Veedu,
Thamallakkal South. Kumarapuram.
3. The Alappuzha District Co- Operative
Bank Ltd. Haripad Branch,
represented by its Manager.
4. The Punjab National Bank,
Haripad Branch, represented by its
Manager.

1st Respondent By Adv. D. Biju

2nd Respondent By Adv. R. Aravindakshan

This petition having been finally heard on 01.03.2025 and the court on 7.03.2025 passed the following:-

ORDER

Petition filed by petitioners under Section 151 of CPC seeking a clarification to the order in IA 1/2023 dated 11-03-2024 that the order is not touching upon the operation of the bank accounts of Kolathu Devi Temple and Thevalappurath kudumbayogam.

2. Petition averments in brief are as follows:- Petitioners

are the defendants in the suit. Suit is for permanent prohibitory injunction. As per order in IA 1/23 dated 11-03-2024, petitioners/defendants are restrained from obstructing first respondent/plaintiff from participating in the general body meeting and from nominating any other person as the president of the administrative committee without the consent of first respondent/plaintiff. After the above order first respondent could not attend the meetings and is continuously absent. He failed to sign the official documents and cheque leaves for withdrawal of funds for meeting the expenses. On 01-12-2024, the general body made a unanimous decision to engage Sri.V. Pramod to carry out the functions of first respondent as a substitute as per the byelaw. The above decision is recorded in the minutes and was communicated to first respondent. First respondent/plaintiff misrepresented the order in IA 1/2023 to 3rd and 4th respondents. On 23-12-2024, 3rdrespondent issued letter stating inconvenience to permit the committee to operate the bank account. 3rd and 4th respondents are not permitting petitioners to operate the bank accounts considering the litigation pending. The non operation of the bank accounts is hampering the developmental activities and day to day needs of Kolath Devi Temple and Thevalappurath Kudumbayogam. Hence the

petition.

3. First respondent/plaintiff filed objection stiffly opposing the above petition. It is contended that the above petition is devoid of merits and is liable to be dismissed. Petitioners have wilfully violated the order of temporary injunction in I.A 1/23. Petitioners are attempting to withdraw the funds of Kudumbayogam after illegally suspending the treasurer and by usurping the powers of plaintiff. The bank account is to be jointly operated by the plaintiff, treasurer and the secretary. The attempt of petitioner is to misutilise the funds and gold ornaments of the temple. Petitioners have nominated another person as the president of the kudumbayogam on 01-12-2024. Hence the petition be dismissed.

4. The following point arise for consideration.

1) Whether the petition is liable to be allowed?

5. Exts.A1 to A7 are marked from the side of petitioners and Ext.B1 is marked from the side of respondents.

6 **The Point:-** Suit is one for permanent prohibitory injunction restraining defendants from obstructing plaintiff from participating in the general body meeting and from nominating any other person as

the president of the administrative committee without the consent of plaintiff. As per order in IA 1/23 dated 11-03-2024 respondents are restrained from obstructing first respondent/plaintiff from participating in the general body meeting and from nominating any other person as the president of the administrative committee without the consent of first respondent/plaintiff.

7. The contention of petitioners is that order in IA 1/2023 is honoured by them and the same does not bar them from operating the bank accounts of Thevalappurath Kudumbayogam and Kolath Devi Temple with 3rd and 4th respondents to meet the day today needs and developmental activities. It is further contended that misinterpreting the above order and in collusion with first respondent, 3rd and 4th respondents are preventing the operation of the bank accounts.

8. Ext.A1 is the copy of letter issued by manager of 3rd respondent stating that the locker is to be operated by plaintiff, first defendant and the treasurer. Ext.A4 is the copy of letter issued by 4th respondent barring the operation of bank account considering the existence of dispute. Ext.A2 and Ext.A3 are the the copies of reply issued by first defendant to 3rd and 4th respondents. Ext.A7 is the copy of minutes

of the general body meeting held on 01-12-2024 wherein it was decided to retain plaintiff as the chieftain and alternate mechanism for operation of bank account was adopted. As per the decision of the general body meeting, Sri.Mohandas was selected as the acting president to operate the bank locker. Sri.V. Pramoad was appointed to operate the bank account along with first defendant. Ext.B1 is the copy of the byelaw of Thevalappurath Kudumbayogam. As per the byelaw, the president is to preside the committee meetings and general body, administer and manage the affairs of the committee in accordance with the provisions of the byelaw.

9. In the case in hand, it can be seen that another person is selected as the acting president as per general body meeting held on 01-12-2024 during the pendency of order in IA 1/2023 which clearly states that another person is not to be nominated as the president of the administrative committee. The validity of the decision in Ext.A7 is a matter of evidence. Ext.A7 decision is subsequent to the order in IA 1/2023 dated 11-03-2024. If petitioners want to operate bank account pursuant to the decision appointing acting president and nominating Shri.Pramod to operate the bank account, they can very well file an application and get the same adjudicated on merits. The

operation of bank accounts by the acting president and the nominated person is not contemplated in the byelaw. The byelaw empowers the treasurer to manage the accounts, the president to preside over the administration of the trust and manage its assets. Having heard both sides and perused the objection, I find force in the contention of the defence. Accordingly I find no merit in the above petition.

In the result,

- 1) Petition is dismissed.
- 2) Considering the facts and circumstances of the case, parties are directed to bear their respective costs.

Dictated to the Confidential Assistant, typed by her, corrected by me and pronounced in Open Court on this the 07th day of March, 2025.

Sd/-
Maneesha K Bhadran
Munsiff

Appendix:-

Witness for the Petitioner:- Nil

Witness for the Respondent:- Nil

Exhibits for the Petitioners

A1	23.12.2024	Copy of Letter issued by Kerala State Co- operative Bank Ltd. Branch Haripad.
A2	24.12.2024	Notice 8 Sheet
A3	08.01.2025	Notice 8 Sheet
A4	20.01.2025	Copy of letter from Punjab National Bank, Haripad Branch.
A5		Copy of statement of Bank Account No. 124612301054742 of the Alappuzha District Co- operative Bank.
A6	6.10.2023	Copy of Account Particulars Punjab National Bank Account No. 4276000100917632, Haripad.
A7		Copy of Minute of the general Body meeting, Thevalapurathu Kudumbayogam.

Exhibits for the Respondent.

B1		Copy of Amended Byelaw
----	--	------------------------

Id/-
Munsiff.