

IN THE COURT OF THE MUNSIFF, HARIPAD
Present: Smt. Maneesha.K. Bhadran, Munsiff
Wednesday, 18th March, 2026/22nd Phalgunam,1947

IA.No.04/2026 in OS 361/2024

Filed on 30.01.2026

Petitioners/Plaintiffs:-

1. Kunjaniyan, aged 77 years,
S/o Kunjupanickan,
Thettikkattil Veettil,
Thamallackal South Muri,
Kumarapuram Village.
2. Soudamini, aged 75 years,
W/o Haridasan, Thevalpurathu Veettil,
Thulamparampu Naduvathu Muri,
Haripad Village.

(By Adv. R. Aravindakshan)

Respondents/Defendants:

1. Sree Kolath Devi Temple,
Represented by Kshethra Yogam President,
Nadarajan, aged 88 years,
S/o Narayanan, Thriveniyil Veettil,
Puthuppalli South Muri,
Puthuppally Village.
2. Tevalapurathu Kudumbayogam,
Represented by Secretary,
Babu @ Sadasivan, aged 71 years,
S/o Krishnan, Illapadeettathil Veettil,
Thamallakkal South Muri,
Kumarapuram Village.
3. Mohanadas, aged 65 years,
S/o Kesavan, Puthen Veettil, Haripad. P.O,
Haripad Village.

4. Sasikumar, aged 61 years,
S/o Surendran, Kalalayam Veettil,
Thamallackal North Muri,
Kumarapuram Village.
5. Santhosh, aged 51 years, S/o Rajan,
Kanjirathum Veettil, Thamallackal . P.O,
Kumarapuram Village.
6. Vipinvas, aged 41 years,
S/o Vasavan, Vasalayam,
Thamallackal . P.O, Kumarapuram Village.
7. Sajeevan, aged 61 years,
S/o Girija, Gowreerasam Veettil
Nangiarkulangara Muri,
Karthikappally Village.
8. Pramod, aged 51 years,
S/o Ammini, Pramod Bhavanam ,
Peringara . P.O, Thiruvalla Village.
9. Prasanth Haridasan, S/o Haridasan,
Haridasapuram Veettil,
Pothappally North Muri,
Kumarapuram Village.
10. Ponnamma, aged 79 years,
D/o Kunjukutty,
Raveendra Bhavanam Veettil,
Thulam Parampu South Muri, Haripad.
- 11 Ullaskumar, aged 56 Years,
S/o E. K. Thampi, Mani Bhavanam Veettil,
Thamallakkal. P.O, Kumarapuram Village.
12. Baby Sarojam, aged 55 years,
D/o Kamalabai, Kamalalayam Veettil,
Haripad. P.O, Pallippad Village.
13. T. K. Manoharan, aged 65 years
S/o Karunakaran, Pokkattu Kizhakkathil,
Thamallakkal North Muri,
Kumarapuram Village.

- Addl. D14. Prasad.B, aged 65 years,
S/o Bhaskaran, Narayanavilasam,
Karuvatta.P.O, Karuvatta Village.
- Addl. D15. Vidhya Vas, Aged 38 years,
D/o Vasavan, Vasavalyam,
Thamallackal Thekku,
Kumarapuram Village.
- Addl. D16 Prakash, Aged 63 years,
S/o Bhaskaran, Koduppathu,
Karuvatta.P.O, Karuvatta Village.
- Addl. D17 Sreelekshmi, Aged 35 years,
D/o Ullas Kumar,Mini Bhavanam Veettil,
Thamallackal Thekkum Muri,
Kumarapuram Village.
- Addl. D18 Prathibha, Aged 46 years,
D/o K. Thambi, Thamallackal Thekkum
Muri, Kumarapuram Village.
- Addl.D19 Adarsh, Aged 21 years,
S/o Sanal kumar, Preethi Bhavanam ,
Thamallackal Thekkum Muri,
Kumarapuram Village.
- Addl.D20 Akshay, Aged 19 years,
S/o Sanalkumar,
Preethi Bhavanam ,
Thamallackal Thekkum Muri,
Kumarapuram Village.
- Addl.D21 Hareesh Kumar, Aged 49 years,
S/o Haridas, Nikunjam Veedu,
Thamallackal Thekkum Muri,
Kumarapuram Village.
- Addl.D22 Binu. S, Aged 54 years,
S/o Sivadasan,
Binukandathil Veedu,

- Thamallackal Thekkum Muri,
Kumarapuram Village.
- Addl. D23 Baiju. S, Aged 55 years,
S/o Sivadasan, Binukandathil Veedu,
Thamallackal Thekkum Muri,
Kumarapuram Village.
- Addl.D24 Pradeep, Aged 56 years,
S/o Vasudevan, Raj Nivas,
Thrikkunnappuzha Village.
- Addl.D25 Abhiram.P. Mohan,
Aged 32 years, S/o Mohandas,
Puthen Veettil, Haripad Village.
- Addl. D26 Achu. B.S, Aged 30 years,
S/o Baiju, A.B. S. Nilayam Veedu,
Thamallackal Thekkum Muri,
Kumarapuram Village.
- Addl. D27 Athiraharikumar, Aged 29 years,
D/o Harikumar, Vaishakam Veedu,
Kakkazham Muri,
Ambalapuzha Vadakku Village.
- Addl.D28 Rajani, aged 40 years,
D/o Ravidas, PuthenVeettil,
Puthiyavila Muri, Kandallor Village.
- Addl.D29 Sini, aged 51 years, D/o Sharngadharan,
Puthen Veettil, Thamallackal Thekkum
Muri, Kumarapuram Village.
- Addl.D30 Anju Harikumar, Aged 30 years,
D/o Harikumar, Vaishakam Veettil,
Kakkazham Muri,
Ambalapuzha Vadakku Village.
- Addl. D31 Lekha, aged 56 years,
D/o Lalitha Bhai,
Valayil Veettil, Karuvatta Vadakkum Muri,
Karuvatta Village.

- Addl. D32 Sheeja, Aged 54 years,
D/o Sahadevan, Karthika Veettil,
Muthukulam Vadakkum Muri,
Muthukulam Village.
- Addl.D33 Kanakamma, Aged 29 years,
D/o Thilothama, Sreejalayam Veettil,
Thamallackal Thekkum Muriyil,
Kumarapuram Village.
- Addl. D34 Thulasi, Aged 55 years,
D/o Rethnamma,
Raveendrabhavanam Veettil,
Thamallackal Thekkum
Muri,Kumarapuram Village.
- Addl D35 Simi, Aged 44 years,
D/o E. K. Mohandas,
Illapadeettathil Veedu,
Thamallackal Thekkum Muri
Kumarapuram Village.
- Addl. D36 Sibi, Aged 40 years,
S/o Venugopal, Koduppathu Veettil,
Thamallackal Thekkum
Muri,Kumarapuram Village.
- Addl. D37 Gireesh Kumar, aged 43 years,
S/o. Haridas, Harshagiri Veedu,
Pazhaveedu P.O, Mullackal Village.
- Addl. D38 Aiswarya, aged 36 years,
D/o. Suresh, Vaidhyasalayil Veedu,
Thamallackal Thekkum Muri,
Kumarapuram Village.
- Addl. D39 Devi Mohanan, aged 35 years,
D/o. Mohanan, Chalil Puthen Veedu,
Karuvatta Village.

- Addl. D40 Sajeev K. S, aged 38 years,
S/o. Shyla Kumar, Kaithaparambil,
Thamallackal Thekku Muri,
Kumarapuram Village.
- Addl. D41 Seema, aged 49 years, D/o. Sharngadharan,
Puthenveetil, Thamallackal Thekku Muri,
Kumarapuram Village.
- Addl. D42 Vishnu, aged 35 years, S/o. Venugopal,
Koduppath Veedu, Thamallackal Thekku
Muri, Kumarapuram Village.
- Addl D43 Shaju, aged 57 years, S/o. Lambodharan,
Vaidhyasalayil Veedu, Thamallackal
Thekkum Muri, Kumarapuram Village.
- Addl. D44 Vijayamma, aed 72 years, D/o. Krishnan,
Raj Nivas, Thrikkunnappuzha Village.
- Addl. D45 Raji, aged 50 years D/o. Vasudevan,
Raj Nivas, Thrikkunnappuzha Village.
- Addl. D46 Sruthi (Parvathy), aged 35 years,
D/o. Mohanan, Chalil Puthen Veedu,
Karuvatta Village.
- Addl. D47 Praveen P. K, aged 23 years, S/o. Prakash,
Koduppath Veedu, Karuvatta Village.
- Addl. D48 Abhay, aged 25 years, S/o. Ramanujan,
Thiruvonam Veedu, Thamallackal
Thekkum Muri, Kumarapuram Village.
- Addl. D49 Adhitya Dev, aged 19 years, S/o. Preethi,
Thiruvonam Veedu, Thamallackal
Thekkum Muri, Kumarapuram Village.
- Addl. D50 Sruthi, aged 21 years, D/o. Shyla Kumar,
Kaithaparambil, Thamallackal Thekku
Muri, Kumarapuram Village.
- Addl. D51 Rathi Dev, aged 67 years, D/o. Sankaran,
Vikas Bhavanam, Karuvatta Village.
- Addl. D52 Kiran Das, aged 39 years, S/o. Mohan Das,
Vikas Bhavanam, Karuvatta Village.

Addl. D53 Keerthi Das, aged 34 years, D/o. Mohan Das, Vikas Bhavanam, Karuvatta Village.

Addl. D54 Nirmala, aged 21 years, Puthenveetil, Thamallackal Thekkum Muri, Kumarapuram Village.

Addl. D14 to D54 are impleaded as per the order in IA. 5/25. dtd. 21.10.2025.

D1 Exparte

D2 to D13 By Adv. G. Shimuraj

D14 to D54 By Adv. D. Hareendran Nair

This petition having been finally heard on 11.03.2026 and the court on 18.03.2026 day passed the following:-

ORDER

Petition for temporary injunction.

2. ***Petition averments in brief are as follows:-*** Petitioners are the members of the first unit of Thevalapurathu Kudumbayogam eligible to be the members of the administrative committee of Sree Kolothu Devi Temple. Petitioners have raised their voice against the mismanagement and maladministration of the affairs of the temple by the administrative committee of Thevalapurathu Kudumbayogam. Respondents removed petitioners from the primary membership of the Kudumbayogam as per the Special General Body meeting held on 01.12.2024, without any agenda and without hearing them. The

suspension of petitioners is illegal and arbitrary and without complying the principles of natural justice. At the time of suspension, first and second petitioners were the treasurer and administrative committee member respectively of the Kudumbayogam. First respondent is bound to preside over the affairs of the temple as the president of the Kudumbayogam. But other respondents are mismanaging the affairs of the Kudumbayogam usurping him. Petitioners are eligible to contest in the administrative committee election of the Kudumbayogam scheduled in March 2026. Due to the illegal suspension, petitioners are denuded of their valuable rights as members of the Kudumbayogam. If the above petition is not allowed, petitioners will be restrained from participating and contesting in the election. Hence the above petition for temporary injunction restraining respondents from conducting the election to the administrative committee of the Kudumbayogam without the participation of petitioners as their suspension is illegal and arbitrary.

3. First respondent is exparte.

4. **Second to thirteen respondents filed objection on the following terms:** The tenure of second respondent as the Secretary of the Kudumbayogam expired on 31.03.2025 and a new administrative

committee is elected and Smt. Sindhu Bose is the present Secretary of the administrative committee. The above suit filed without including the present Secretary and first respondent remaining *exparte* is not maintainable as the Kudumbayogam is not duly represented. Petitioners have an equal and efficacious remedy as per the provisions of the scheme passed by Hon'ble Sub Court in OS 374/1994. The tenure of the administrative committee is for one year and the same will expire on 31.03.2026 and the new administrative committee is to be elected for the efficient management of the affairs of the Kudumbayogam. First respondent is acting as the president of the Kudumbayogam according to the interest of petitioners and the Special General Body meeting held on 01.12.2024 has unanimously decided to suspend petitioners. There is no illegality, bias or arbitrariness and the same is in accordance with the provisions of the bye-law. Petitioners who are suspended from the administrative committee have no right to file the above suit and seek for stay of the election. The election to Thevalapurathu Kudumbayogam has to be held before 31.03.2026 and the above petition, if allowed, will cause serious prejudice as the tenure of the existing administrative committee will expire. Petitioners have no right to participate in the election to the administrative committee. Petitioners have no *prima*

facie case and balance of convenience is not in their favour. If the above petition is allowed, irreparable injury will be caused to the management of the affairs of the Kudumbayogam. Hence the above petition be dismissed.

5. **Fourteenth respondent filed objection on the following terms:** The above petition is devoid of merits and is liable to be dismissed. OP(C) 737/2025 filed by petitioners for the same relief was dismissed. Petitioners have equal and efficacious remedy and has filed the above petition to stall the election scheduled to the administrative committee. Petitioners have no prima facie case and balance of convenience is not in their favour. Irreparable injury will be caused to respondents if the above petition is allowed.

6. Fifteenth to fifty fourth respondents filed memo adopting the contentions in the objection of fourteenth respondent.

7. The following points arise for consideration.

- 1) Whether petitioners have made out a strong prima facie case in support of the claim for interim injunction?
- 2) In whose favour the balance of convenience exist?
- 3) Whether the petitioners will be put to irreparable loss

and injury if an order of injunction is not passed?

4) Whether the petitioners are entitled to get interim injunction as prayed for?

5) Reliefs and cost?

8. Heard the learned counsel for both sides. Perused records.

9. From the side of petitioners, Exts.A1- A10 are marked. On the side of respondents Exts. B1-B8 are marked.

10. **Point 1 to 4:-** Suit is for setting aside the decision of the general body meeting dated 01.12.2024 suspending petitioners as the members of Thevalapurath Kudumbayogam for ten years and for permanent prohibitory injunction. Petitioners seeks for a permanent prohibitory injunction restraining respondents *interalia* from obstructing them from participating in the general body meeting, acting as the office bearers of the Kudumbayogam and entering the temple premises. The contention of petitioners is that they were the office bearers of the administrative committee of the Kudumbayogam and were illegally and arbitrarily suspended from their primary membership as per the Special General Body meeting held on 01.12.2024 and they are to be permitted to participate in the affairs of the Kudumbayogam and exercise their rights as a member. It is further contented that petitioners have voiced their grievances against

the mismanagement of the affairs of the Kolothu Devi Temple by the administrative committee usurping the powers of first respondent which led to their illegal suspension without complying the principles of natural justice.

11. Second to fifty fourth respondents on the other hand vehemently contend that petitioners were duly suspended from their membership as per the unanimous decision of the general body meeting held on 01.12.2024. It is further contended that the annual general body meeting and election to the kudumbayogam has to be held before 31.03.2026 and the above petition,if allowed, will cause serious prejudice to the management and affairs of the kudumbayogam.

12. Ext.A1 is the copy of the by-law of the Kudumbayogam. Ext.A2 is the copy of the notice to the meeting scheduled on 01.12.2024. Ext.A3 is the copy of the case proceedings in OP(C) 637/2025 before Hon'ble High Court of Kerala. Ext.A4 is the copy of the by-law of 1951. Ext.A5 is the copy of the amended by-law in OS 374/1994 before Hon'ble Sub-Court, Mavelikara. Ext.A6 is the copy of the minutes of the committee meetings. Ext.A7 is the copy of the petition filed in OS.345/2023 before Munsiff Court, Haripad. Ext.A8

is a copy of the commission report in OS 345/23. Ext.A9 is the copy of the notice of the Annual General Body scheduled to 22.03.2026. Ext.A10 is the copy of the order in IA 1/2023 in OS 345/2023 before Munsiff Court, Haripad. Ext.B1 is the notice of the Ponkala festival scheduled in February 2026. Exts. B2 to B7 are the copy of petitions filed in OS.374/94 before the Hon'ble Sub Court, Mavelikara by first respondent and another person.

13. The first contention of respondents is that second respondent is not the present Secretary of the Kudumbayogam and Smt. Sindhu Bose is elected on 31.03.2025 and the above suit is not maintainable. However, I am unable to accept the same as the above suit is filed under Order I Rule 8 of CPC against the president and secretary of the Kudumbayogam. The suit was filed on 05.12.2024 and the subsequent change in the secretary will not defeat the right of petitioners. Further the very contention of petitioners is that the former secretary has not handed over the charge to Smt. Sindhu Bose. Ext.A7 petition filed by fifth respondent herein would show that he is the secretary in charge of the administrative committee. The above contention is only a flimsy argument to defeat the claim of petitioners.

14. Another contention taken by respondents is that petitioners have equal and efficacious remedy under the provisions of by-law. However, it is pertinent to note that the claim of the petitioners is that their suspension of primary membership for 10 years is against the provisions of by-law and without complying principles of natural justice. As petitioners are contending that their suspension is illegal, arbitrary and without complying the provisions of the natural justice, I find no merit in the contention of respondents that petitioners are bound to act as per the bye-law when their claim is against an illegal decision. The next question to be considered is whether petitioners were duly suspended as per the provisions of bye-law in the general body meeting held on 01.12.2024.

15. A perusal of Ext.A1 bye-law of the Kudumbayogam would show that the same mandates for the constitution of a administrative committee comprising of nine members consisting of one President, Treasurer, Secretary and members. Ext.A2 notice of the general body meeting scheduled on 01.12.2024 would state the agenda to discuss the case filed by Chieftain against the members of the administrative committee, construction of the temple auditorium and other emergent affairs. It is pertinent to note that the agenda does not state anything as to suspension of petitioners.

16. Ext.A6 is the extract of the minutes of the Special general body meeting held on 01.12.2024. The same would show the participation of 77 members alone out of the total membership of over 500 members. The same would show that petitioners were unanimously suspended from their primary membership and excluded from the administrative committee for co-operating with the Cheiftian for filing suit against the administrative committee and for standing in the way of the developmental activities of the kudumbayogam. It is pertinent to note that suspension of petitioners was introduced, discussed and decided on 01.12.2024 without any agenda and notice. Nothing is brought forth to show that petitioners were heard after due notice as to their suspension and they had opportunity to explain their cause. Ext.A1 bye-law specifies the agenda and notice as to the matters to be decided in the general body meeting. Nothing is brought forth from the side of respondents to show that petitioners were given an opportunity and heard as to their suspension. The minutes of the meeting held on 01.12.2024 would show that second petitioner had voiced her opinion in the meeting which paved the way for suspension. The mere unanimous decision of the 77 members who participated in the Special general body meeting without any agenda as to suspension of petitioners, without

complying natural justice is arbitrary and illegal.

17. Accordingly, I am satisfied that petitioners have established a strong prima facie case that their suspension from primary membership is illegal and arbitrary and without complying the provisions of natural justice. However, Ext.A9 would show that the annual general body meeting is scheduled to 22.03.2026. Accordingly I am not inclined to stay the election process which has already commenced. However, petitioners can be permitted to exercise their rights as members of the kudumbayogam as their suspension is found to be illegal. However, if petitioners are permitted to contest in the election to the annual general body meeting, the process of which has already commenced, the same will derail the election process. Necessary directions can be given to the returning officer to permit petitioners to cast their vote in the election and exercise their rights as a member other than contesting to the annual general body meeting scheduled on 22.03.2026. In light of the above discussion, I am satisfied that petitioners have established a strong prima facie case for the relief of interim injunction. Irreparable injury will be caused to the petitioners, if the above petition is not allowed. Balance of convenience is also in favour of petitioners. Accordingly I find merit in the above petition.

18. **Point No.5 :-** Considering the finding on point No. 1 to 4, the petition is liable to be allowed in part. In the facts and circumstances of the case, parties are directed to suffer their respective costs.

In the result, petition is allowed in part as follows.

1. Respondents are restrained from obstructing petitioners from exercising their rights as members of Thevalapurath Kudumbayogam and participating in its Meetings and casting their votes in the election to the annual general body meeting scheduled on 22.03.2026. Returning officer is directed to ensure that petitioners are permitted to cast their votes in the annual general body meeting scheduled on 22.03.2026.
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 18th day of March, 2026.

Sd/-
Maneesha. K. Bhadran
Munsiff

APPENDIX- :-

Exhibits for Petitioners

- | | | |
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| A1 | 29.01.1951 | Copy of the by-law of the Kudumbayogam. |
| A2 | 10.11.2024 | Copy of the notice to the meeting scheduled on 01.12.2024. |
| A3 | 17.03.2025 | Copy of the case proceedings in OP (c) 637/2025 before Hon'ble High Court of Kerala. |
| A4 | 29.01.1951 | Copy of the by-law of 1951 |
| A5 | 28.10.2002 | Copy of the amended by-law in OS 374/1994 before Hon'ble Sub Court, Mavelikara. |

A6	29.03.2024	Copy of the minutes of the committee meetings.
A7	02.02.2026	Copy of the petition filed in OS 345/2023 before Munsiff Court, Haripad.
A8	20.02.2026	Copy of the Commission report in IA 1/26 in OS 345/2023 before Munsiff Court, Haripad.
A9	25.02.2026	Copy of the notice of the Annual General Body scheduled on 22.03.2026.
A10	11.03.2024	Copy of the order in IA 1/2023 in OS 345/2023 before Munsiff Court, Haripad.

Exhibits for the Respondents

B1		Notice of the Ponkala festival scheduled in February 2026 of Sri. Kolath Devi Temple, Thulamparambu, Haripad.
B2		Copy of IA 1/2023 filed in OS 374/1994 before Hon'ble Sub Court, Mavelikara.
B3	16.12.2024	Copy of IA 8/2024 filed in OS 374/1994 before Hon'ble Sub Court, Mavelikara.
B4	09.12.2024	Copy of IA 7/2024 filed in OS 374/1994 before Hon'ble Sub Court, Mavelikara.
B5		Copy of IA 1/2023 filed in OS 374/1994 before Hon'ble Sub Court, Mavelikara.
B6	13.02.2024	Copy of IA 5/2024 filed in OS 374/1994 before Hon'ble Sub Court, Mavelikara.
B7	19.12.2023	Copy of IA 4/2023 filed in OS 374/1994 before Hon'ble Sub Court, Mavelikara.
B8	17.03.2025	Copy of petition filed in OP (c) No. 737/2025 before Hon'ble High Court of Kerala.

Id/-

Munsiff.