

IN THE COURT OF THE MUNSIF, PERUMBAVOOR

Present:- Sri. K.P. Joy, B.Sc., LL.B., Munsiff.

Wednesday, the 22nd day of March, 2017/1st Chaithra, 1938

I.A. No.528/2017

in

O.S. No.74/2017

Petitioners/Plaintiffs:-

1. K.K.Sebastian, aged 64 years, S/o. Kurian, Koikkara House, BOC Road, Perumbavoor.
2. P.V.Thomas, aged 65 years, S/o. P.T.Varkey, Panakkal House, KSRTC Road, Mahatma Nagar, Perumbavoor.
3. Joshy Varghese, aged 55 years, S/o. Varghese, Thelakkadan House, Malamury, Pulluvazhy, Perumbavoor.

By Adv. M.K.Jayapalan

Respondent/Defendant:-

St. Mary's Catholic Church, Perumbavoor – 683 542,
represented by Vicar, Rev. Fr. Jose Nalpat.

By Adv. V.K.Santhosh.

This petition having been finally heard before me on 22.3.2017 and the Court on the same day passed the following:-

ORDER

The dispute is with respect to allotment of family tombs in the Cemetery of St. Mary's Church Perumbavoor (R1). The church is coming under the administration of Ernakulam-Angamaly Arch-diocese of Syrian Catholic Community. The allegation in these applications (and also in suits) is that Respondent Church received contributions from the parishioners on the promise that the persons contributing to the tune of ₹. 3,00,000/- and above would be allotted with family tombs in the Church Cemetery. The petitioners' claim is that they contributed ₹. 3,00,000/- and more to Church and the money thus collected was used for the re-construction of new church. Their grievance is that they were not allotted with family tombs. Hence they pray for temporary injunction order with respect to newly constructed 35 tombs.

2. R1 church is represented by R2 Vicar and R3 & R4 Trustees. R2 and R3 are jointly contesting the case. R4 has entered appearance through another counsel. The respondents require time to file objections in these applications.

3. In each case, Advocate Commissioner was appointed. The reports of Advocate Commissioners are available before the court. Status quo order in respect of newly constructed 35 tombs was passed in all these cases earlier.

4. The parties were directed to appear before the court today in order to ascertain whether there is an element of settlement in these cases. From the submissions, it is clear that

the situation is not congenial for negotiation and settlement at present. However the respondents have submitted that they face practical difficulty due to status quo orders. If entire newly constructed tombs are kept within the purview of status quo orders, there may be problems for finding suitable tombs for burial. R2 Vicar has also submitted that some parishioners other than petitioners herein approached him with similar grievance of non-allotment of tombs. Hence modification is required in the status quo orders.

5. Heard both sides for their suggestion with regard to modification of status quo orders.

6. As of now, there are 7 petitioners before the court. R2 Vicar has stated that some persons have already approached him with similar grievance. Taking into consideration of the grievance of all concerned, the status quo orders are modified as follows.

7. 13 tombs situated on the western side of Cemetery Chapel, ie N1 to 4, M1 to 4 and LI to 5, shall remain intact until further orders. The tombs of deceased Chacko Madhavassery (father of petitioners in O.S.126/17) and deceased Thomas Parappuram (husband of the petitioner in O.S.126/17) shall also remain intact. These tombs are numbered as A1 and I1 respectively in Church records. The status quo orders passed earlier in these applications are modified to that extent. The remaining tombs in the Cemetery can be opened and dead bodies can be buried as per the customs of precedents followed

by the church.

8. These I.As can be heard immediately after re-opening of the court after summer vacation. The respondents are directed to file objections without any delay. All relevant documents are to be produced before the court for judicial scrutiny.

9. The above said arrangement shall be followed strictly by all concerned until further orders.

10. These I.As stand posted to 26.5.2017 for hearing.

Pronounced by me in the open court on this the 22nd day of March, 2017.

Sd/-
K.P.JOY,
MUNSIFF.

APPENDIX
NIL

Id/-
MUNSIFF.

// True Copy //

(By Order)

Junior Superintendent.

PPJ.
Comp.by:

Copy of Order in I.A.No.528/2017 in O.S.No.74/2017	
Dated:	22.3.2017