

**IN THE COURT OF THE CIVIL JUDGE (SENIOR DIVISION),
MUVATTUPUZHA**

Present:- Sri. Atheek Rahman, Civil Judge (Senior Division)

Saturday, the 20th day of September, 2025 / 29th Bhadra 1947

I.A.No. 11/2025 in O.S No.46/2025

Applicants/ Plaintiffs :-

- 1 Josh Varghese, Maracheri, Karukadam,
Karukadam P.O., Kothamangalam,
Ernakulam – 686691.
- 2 Mathai, S/o Kuriakkose, Maliyelil,
Thankulam, Thrikkariyoor,
Ernakulam – 686691.
- 3 Riju Kurian, S/o P.O Kurian,
46 years, Puthenpurakkal, T.B. Kunnu.,
Kothamangalam P.O., Kothamangalam,
Ernakulam – 686691.

*By Advs. Sajitha S Dharan, Sibi Karun
& R. Rajesh.*

Respondents/Defendants:-

- 1 Marthoma Cheria Pally, Kothamangalam,
now represented by its Trustees,
Viz [i] C.I. Baby [ii] Binoy Thomas.
- 2 C.I. Baby S/o Ittiyavira, aged 62 years,
Chundattu House, Thankalam Kara,
Thrikkariyoor Post,
Kothamangalam Taluk 686691.

- 3 Binoy Thomas S/o Thomas,
Manncheril House, Nadukani Post,
Perumanoor, Kothamangalam Taluk 686691.
- 4 Johnson Kuriakkose, S/o Kuriakkose,
Thekkilakkatu House, Kozhippilly Kara,
Kozhippily, Kothamangalam 686691.
- 5 P.V. Poullose, S/o Varkey, 66 years,
Pzhiukkallil House, Kodnimattom Kara,
Palamattom Post, Kothamangalam 686691.
- 6 Jomon Mathew, S/o Mathew, 44 years,
Palakkadan House, Kondimattom Kara,
Palamattom Post, Kothamangalam 686691.
- 7 Baby Thomas, S/o Thomas, 69 years,
Anjilivelil House, Thankam Kara,
Thrikkariyoor Post, Kothamangalam 686691.
- 8 Dr. Binoy Das, 52 years, Maliyil House,
Vendu Vazhy Kara, Kothamangalam P.O.,
Kothamangalam 686691.
- 9 Fr. Jose Puthuvayal, 49 years,
Son of Kuriakose, residing at Puthuvayal House,
Onnam Mile, MA College P.O,
Kothamangalam – 686666,
VICAR of Marthoma Cheria Pally,
Kothamangalam.
- 10 M.S. Eldhose, S/o Scaria, 70 years,
Maracheril House, Kuthukuzhy Kara,
Kothamangalam Post,
Kothamangalam Taluk 686691
- 11 Elias Abraham, S/o Abraham, 70 years,
Meleth House, Thankam Kara,
Kothamangalam 686691.
- 12 Raju Yohannan, S/o Yohannan,
70 years, Maliyil House, Venduvazhikkara,
Karukadam Post, Kothamangalam Post 686691.

- 13 Mathukutty Issac, S/o Issac,
70 years, Edavilayil house, Kottappadi Kara,
Kottapadi post, Kothamangalam Taluk 686691.
- 14 George Mathew, S/o Mathew, 72 years,
Valeth Housu, Kurur Kara, Kothamangalam post,
Kothamangalam Taluk 686691.
- 15 Binoy Thomas, S/o Thomas, 60 years,
Anjilivelil House, Thankalam Kara, Thrikkariyoor post,
Kothamangalam Taluk 686691.
- 16 Varghese P M, S/o Mathai, 60 years,
Palappillil House, Karukkadam Kara,
Karukkadam Post, Kothamangalam Taluk 686691.
- 17 K.M. Joy, S/o Mathai, 60 years,
Kothamattathil House, Kozhippilli Kara,
Kozhippilli Post, Kothamangalam Taluk 686691.
- 18 P.V. Varkey S/o Varkey, 64 years,
Pazhukkalil House, Venduvazhikara,
Karukkadam post, Kothamangalam Taluk 686691
- 19 K.V. Jolly, S/o Varkey, 60 years,
Kollammalil House, Mathirappilli Kara,
Karukadam post, Kothamangalam Taluk 686691.
- 20 Roy Skariah, S/o Skariah, 60 years,
Kuzhivelil House, Kozhippilli Kara,
Kozhippilli post, Kothamangalam Taluk 686691.
- 21 Aneesh P Mathew, S/o Mathai aged 45 years,
Palakkadan House, Thagalam Kara,
Kothamangalam post, Kothamangalam Taluk 686691.
- 22 Mar Basellius Educational Trust rep. By its Chairman,
Kothamangalam P.O, Kothamangalam 686691
- 23 Mar Basil Charitable Trust rep. By its chairman,
Kothamangalam P.O, Kothamangalam 686691.
- 24 Mar Basellius Medical Mission Trust rep. By its chairman,
Kothamangalam P.O, Kothamangalam 686691.

- 25 Saint Basil Charitable Trust rep. By its chairman,
Kothamangalam P.O, Kothamangalam 686691.
- 26 Sub Registrar, SRO, Kothamangalam,
Aluva Munnar Road – SH 16, Kothamangalam,
Kerala – 686666.
- 27 M.K. Biju, aged 54, S/o Kuriakose,
Maleyalil House, Nellikuzhy P.O, Elambra,
Thrikkariyoor [part] Ernakulam, Kerala – 686691.
- 28 Sosamma Kuriakose, W/o Kuriakose,
aged 61, Mannapparambil, Venduvazhy,
Kothamangalam P.O, Karukadom,
Ernakulam,Kerala – 686691.
- 29 Basil George, aged 29, S/o V.V. George,
Vadakkechalil, Aykkadu, Thrikkariyoor [P.O],
Thrikkariyoor, Ernakulam – 686692.

R1 to R9 – By Adv. Gigi Peter

R11 to R21 – By Adv. Sabu John & Glaison Varghese.

R10 & R22 to R25 – By Advs. Sabu John & Seena C.P.

R26 – By Adv. A.G.P (Sabu Joseph Chalil)

R27 to R29 – By Adv. Basim Aslam T.S.

This petition is filed under Section 151 of Civil Procedure Code 1908, for an order of interim prohibitory injunction against restraining the respondents/defendants 2 to 8, 10 to 25 and their men and agents or anyone claiming under them or through them from taking over the liability of the trust and Leases created by them, in any manner, without proper settlement of accounts from date of alienation of properties and institution through Lease deeds. This petition is coming on for hearing

on 20.09.2025 in the presence of the above counsel and the Court on the same day passed the following:-

ORDER

Petitioners represented. R1 to R19 represented. R22 to R26 also represented. Others absent. No representation. R1 to R9 filed Objection. R10 and R19 also filed objection. R11 and 12 filed objection. The case was originally posted to 21.10.2025. But, hearing of the case is advanced to today as per order in IA No. 10/25. This petition is filed, seeking an interim injunction order restraining the respondents 2 to 8 and 10 to 25 and their agents or any one claiming under them, or through them from taking over the liability of the Trusts and leases created by them, in any manner, without proper settlement of accounts from date of alienation of properties and institution through lease deed. Further, the petitioners seeking an order restraining the respondents from dealing with money of the trust. The petition is filed based on the notice published by the respondents 1 to 9 to convene the general body meeting of the Trust on 21.09.2025. The learned counsel for the petitioners submitted that the present petition is filed because of the agenda numbers 8 to 10 in the notice, those pertains to the

questioned lease. Further, the learned counsel submitted the respondents are taking hasty steps to merge the trust with public trust. The learned counsel for R1 to R9 submitted that they have no intention to merge the trust, as claimed.

The copy of the petition is not seen furnished to some of the respondents. As the meeting is scheduled to be held on 21.09.2025, and as there is no sufficient time to hear the matter in detail and dispose of the petition on merit today itself, the hearing of the petition is adjourned to 21.10.2025. However, it is made clear that, if any decisions on policy matters are taken in the general body meeting, it shall be subject to the final order in this petition. It is further made clear that this direction will not be a bar to the administration of the trust. For hearing. Call on – 21.10.2025.

Pronounced in the Open Court on this the 20th day of September 2025.

Sd/-
ATHEEK RAHMAN
CIVIL JUDGE(SENIOR DIVISION)

APPENDIX :- Nil

Sd/-
CIVIL JUDGE(SENIOR DIVISION)

Ss/-

Dpl/-

Order
in I.A. No.11/2025
in O.S. 46/2025
Dated: 20.09.2025