

**IN THE COURT OF THE SUBORDINATE JUDGE, KARUNAGAPPALLY**

Present:- Sri.Santhosh Das, Civil Judge (Senior Division)  
Karunagappally.

Monday the 30<sup>th</sup> day of March, 2026/ 8<sup>th</sup> day of Chaithram, 1948.

**IA.01/2025 in OS.17/2025**

Between

Petitioner:-  
(1<sup>st</sup> plaintiff)

1. Anandan, aged 53 years,  
S/o. Gopalan,  
Vilayilayyathu Veedu,  
Edappanayam Muri,  
Sooranadu North Village,  
Kunnathoor Taluk, Kollam-690561.
2. Binu, aged 47 years,  
Ambadiyil Veedu,  
Anayadi.P.O., Sooranadu North,  
Kunnathoor Taluk, Kollam-690561.

*(By Adv.Shri.A.Ranjith).*

And

Respondents/:-  
(Defendants)

1. Sooranadu North Karottu Kudumba  
Kshethram,  
Edappanayam Muri,  
Sooranadu North Village,  
Kunnathoor Taluk, Kollam-690561.

2. Bharathan, aged 62 years,  
Jibal Bhavanam of -do-.
3. Praveen, aged 28 years,  
S/o.Peethambaran,  
Pinky Nivas of -do-.
4. Jayaprakash, aged 52 years,  
S/o.Vasudevan,  
Prakash Bhavanam of -do-.

*(By Adv.Shri.Domanic Basil for R1 to R3)*

This petition coming on for final hearing before me on 30.03.2026 and on the same day the Court passed the following.

### **ORDER**

1. Petitioners are plaintiffs, and the suit is one filed to settle a scheme for the administration of plaint A schedule Karottu Family Temple or in the alternative to approve the covenant executed as document No.9/23 by the Karottu Family before Sooranadu SRO, and further to direct 2<sup>nd</sup> to 4<sup>th</sup> defendants to surrender the key of the temple, and also to direct the said defendants to submit item wise income and expenditure of the temple, and also to appoint a Receiver for the over all

management and administration of the 1<sup>st</sup> defendant temple.

2. Instant application is one filed under O.XL R.1 CPC, seeking appointment of a Receiver for the Administration and Management of the 1<sup>st</sup> defendant temple, pending disposal of the suit.

3. Case advanced by petitioners in brief is as follows:-

1. First defendant is the family temple of Karottu Family which is famous Devi temple suited at Sooranadu North village. The main deity of the temple is Durga Bhadra. The origin of the temple is lost in antiquity. Large number of devotees visits the temple every day to worship which includes petitioners and other members of Karottu Family. Being a private family trust led by the Karottu Family, petitioners have real, substantial and direct interest in the said temple.

2. Karottu family has oorazhma right of Veettinal Devi Temple, an ancient and most prominent temple in the Sooranadu

North village. The Veettinal Temple had donated land to the Karottu Family and the property so donated is the common property of the said Kudumbam and the temple constructed therein. By virtue of the Partition deed No.1151 of 1108ME and as per the gift deed No.5578/1979 executed before the Sasthamcotta Sub Registrar, the property is vested upon the Karottu Family Temple. However there was no written covenant for the administration of the temple. Hence the practice was to select the eligible members of the said family as president and secretary of the temple on the basis of majority decision.

3. Number of devotees visit the temple every day for worshipping. The main source of income of the temple is the contributions, offerings and gifts made by the family members and other devotees namely the Hindu public who visit the temple for prayers and worship.
4. 3<sup>rd</sup> and 4<sup>th</sup> Defendants also are the members of the Karottu family, whereas 2<sup>nd</sup> Defendant is not a member of the

Karottu Family, and his only relationship with family is established through marriage. While so the 4<sup>th</sup> defendant forged some documents with regard to the temple property in order to grab 50 cents of temple land in his favour. As it came to the knowledge of the Karottu family, petitioners filed OS 155/2022 before Munsiff Court Sasthamcotta to evict the encroachers from the temple property and to protect the assets of the temple. When Karottu family members made an inquiry regarding the matter, it is revealed that all the sham transactions were done under the aegis of the 2<sup>nd</sup> Defendant who was in charge of the temple on temporary basis. Hence the Karottu Family members were constrained to form the Karottu Kshethra Samrakshana Samithy and elected the 1<sup>st</sup> petitioner as its president. Since the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants took the stand that was supportive to the encroachers of the temple property, the five members of the temple administrative committee resigned in protest on 18/09/2022.

5. Subsequently, a committee consists of 20 members has

been formed and took over the administration of the temple, and petitioners were elected as president and secretary respectively of the first defendant temple. The newly formed committee directed the Second defendant to hand over the key of the temple. However he refused and demanded ₹ 3,00,000/- in return. Since the Second defendant took such a defiant stand petitioners filed OS No. 214/23 before Munsiff court Sasthamcotta for obtaining the key and to get an injunction restraining the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants from interfering in the administration of the First Defendant Temple.

6. Thereafter the general body meeting convened on 16/11/2022 by Karottu family resolved to execute written covenant exclusively for the administration of the temple. Accordingly a covenant was prepared and registered at Soormadu SRO on 3/3/23 as document No.9/23. At that juncture, OS 214/22 was withdrawn with liberty to file fresh suit. Thereafter a new suit was filed on the strength of the said covenant as OS 125/23 before the Hon'ble Munsiff

Court Sasthamcotta to get the key of the temple and for appointing a receiver for administration inter alia to restrain the defendants from interfering administration of the temple.

7. Despite the aforesaid suit the 2<sup>nd</sup> to 4<sup>th</sup> defendants refused to hand over the key and forcefully took over the administration of the Temple. Hence the duly elected office bearers had to remain as mere spectators. That apart 2<sup>nd</sup> to 4<sup>th</sup> defendants further challenged the validity of the aforesaid covenant. The said circumstances culminated in a deadlock of the temple administration. Realizing the necessity of scheme suit, OS.125/23 was withdrawn with liberty to file fresh suit. Hence, this suit and this application.

8. 2<sup>nd</sup> to 4<sup>th</sup> defendants have no right either to possess or to interfere in the administration of the Temple. That apart, there is willful misappropriation and theft of the temple assets by the said defendants. Hence the Sooranadu Police

registered a crime on the complainant lodged by the 1<sup>st</sup> petitioner against the 2<sup>nd</sup> defendant as FIR No. 132/23 u/ss. 379, 406 r/w 34 of the Indian Penal Code, and investigation is in progress by crime branch. The entire administration of the temple is now at the hands of these defendants. They are not maintaining any proper records with regard to the various movable items such as gold, silver etc received from the devotees. No annual auditing is conducted so far. The Karottu family members are only mere spectators having no say at all in the administration. This is per se illegal and totally detrimental to the interest of the temple. The vanchi collections of the temple are taken by these defendants and they are not accounting the same. The Valuable movable items deposited by the devotees in the vanchi are not being accounted at all. Thus these defendants are guilty of breach of trust. The above said illegal handling and misappropriation of funds should be arrested at the earliest opportunity. These defendants clandestinely sold gold, silver and bronze worth more than ₹ 10,00,000/- without the consent and concurrence of the

general body. No income and expenditure account was prepared. They were not willing even to conduct election to the committee. They are utilizing temple fund for their personal purposes without proper accounting.

9. In the said circumstances, if defendants 2 to 4 are permitted to keep the key and accounts of the temple there is all chance of tampering. The acts of the said defendants caused obstruction to the administration and good will of the temple. The huge misappropriation of funds committed by the Defendants 2 to 4 is very serious. Unless they are stopped at the earliest it will lead to irreparable damage to the first defendant temple and the petitioners including the Karottu family at large. In the said circumstances it is expedient to appoint a receiver till the final disposal of this suit for the administration and management of the temple and its assets.

4. Defendants 2 & 3 filed objection raising the following main contentions:-

1. It is said that the 2<sup>nd</sup> and 3<sup>rd</sup> defendants are the present Secretary and President of the 1<sup>st</sup> defendant temple, who are elected as per due process. Though plaintiffs are family members of Karottu family, they are creating obstacles in the smooth management and administration of the temple by filing false cases against the family. Regarding the income of the temple, it is said that the temple being a family temple is not having much external devotees, and it is claimed that the actual income and expenses are properly accounted by the Secretary.
2. The claim that the members of Karottu family had formed Karottu Kshethra Samrakshana Samithi and elected the 1<sup>st</sup> plaintiff as the president thereof has no legal standing, and such formation is denied. Regarding the covenant said to have been executed as document No.9/2023, it is said that the same has no legal force, and it is added that such a document is not in existence and will not bind Karottu family. The said document is created only for disturbing the

administration of the temple, which is now safe in the hands of 2<sup>nd</sup> and 3<sup>rd</sup> defendants. The criminal case cited by plaintiff is false and frivolous, it is claimed.

3. The temple is managed and administered by the 2<sup>nd</sup> and 3<sup>rd</sup> defendants promptly with proper accounts and there is no case made out for the appointment of a Receiver, it is claimed.

5. Both sides produced documents in support, which were got marked as Exts.A1 to A10, and B1 to B10 respectively.

6. Heard both sides.

7. Therefore the following points are drawn up for consideration:-

1. Whether petitioners have made out a case for the appointment of a Receiver for the management and administration of 1<sup>st</sup> defendant temple pending disposal of

the suit ?

2. Reliefs and costs?

**8. Point No. 1 :-**

1. While petitioners claim that the temple is managed and administered by 2<sup>nd</sup> and 3<sup>rd</sup> defendant without proper authority, and without maintaining proper accounts of the income and expenses, it is claimed by these defendants that they are in office as Secretary and President as per procedure and that they are managing and administering the temple promptly, with proper accounts and there is no reason for seeking the appointment of a Receiver. In support, it is said by these defendants that IA.01/23 in OS.125/23 for interim mandatory injunction for handing over the key and accounts of the temple to the plaintiffs herein, and IA.02/23 in OS.125/23 for interim prohibitory injunction restraining these defendants from interfering with the administration of the temple were dismissed by

Munsiff-Magistrate Court, Sasthamcotta on 27.01.2024  
(Exts.B4 & B5).

2. 1<sup>st</sup> defendant is admittedly a family temple and the epicenter of the dispute is the management and administration of that temple. Admittedly, OS.125/23 was pending before Munsiff-Magistrate Court, Sasthamcotta, which suit was one in connection with the the management and administration of the temple, and vide Ext.A2 order plaintiffs therein were allowed to withdraw that suit with liberty to file Scheme Suit, and instant suit is that newly filed Scheme Suit. Therefore, contesting defendants cannot claim any benefit of Ext.B4 & B5 at this juncture. Ext.A6 is the covenant banked on by the plaintiffs, and the same is disputed by these defendants. However, it is not in dispute that the executants of Ext.A6 are the members of Karottu family, and prima facie Ext.A6 is not bad on the face of it.

3. Now, whether a scheme is required to be made for the management and administration of temple or whether

Ext.A6 is to be ratified, or whether the scheme is unwarranted and the status quo is to be continued etc are all to be decided after full fledged trial, no doubt. Regarding, the present administration and management of the temple, the same is done by defendants 2 & 3 respectively, and it is claimed that they are maintaining proper accounts, as against the claim of plaintiffs that there is mismanagement without proper accounting of the income and expenses. Contesting defendants claimed that the temple being a family temple is not having much external devotees, and that the income is only the offerings, which are properly accounted by the Secretary. However, records in that regard are not produced in support and it is pertinent to note that even the bank account into which the daily income ought to have been credited is not produced. On the other hand, Ext.B6, B7, B8 & B9 would give the impression that the temple is having sufficient income and that periodical festivals and cultural activities are being done, which reflects the general income and worth of the temple. It is pertinent to note that Ext.A5

is the copy of the resignation letter of Sri.P.Gopikuttan dated 18.09.2022, perusal of which would prima facie show that the said person had resigned from the Administrative Committee on the ground that the present Secretary is autocrat and that he is hand-in-glove with encroachers and that he is not at all accounting the income and expenses of the temple.

4. Any ways, for the discussions above, it can be safely concluded that petitioners have made out a strong prima facie case in their favour, and that it is prima facie shown that the 2<sup>nd</sup> and 3<sup>rd</sup> defendants are not properly accounting the income and expenses of the 1<sup>st</sup> defendant temple. It follows, it is just and convenient that a Receiver be appointed for the management and administration of 1<sup>st</sup> defendant temple, pending disposal of this Scheme Suit.

5. This point is accordingly answered in the positive.

**9. Point No.2 :-**

1. In view of the discussions and findings on points No. '1' above, in the absence of Panel of Receivers under Rule 171 of Civil Rules of Practice Kerala, **Smt.Lekha Vamadevan, Official Receiver, Kollam** is hereby appointed as the Receiver for the administration and management of 1<sup>st</sup> defendant temple.
2. 2<sup>nd</sup> and 3<sup>rd</sup> defendants are directed to hand over the keys and records of the temple to the Receiver on demand from that end.
3. The Receiver shall submit accounts to the Court on quarterly basis.
4. Having regard to the facts and circumstances, the parties shall suffer their respective costs.

10. **In fine, instant IA stands allowed as above,** and this order will be intimated from the office of this Court to the office of the Official Receiver for compliance.

Dictated to the CA, typed by her, corrected and pronounced by me in open court on this the 30<sup>th</sup> day of March, 2026.

Sd/-  
Santhosh Das  
Civil Judge (Senior Division).

**Appendix:-**

Exhibits marked from the side of Petitioner:-

- A1. Certified copy of Gift deed No.5578/1979 of Sasthamcotta SRO dated 06.12.1979.
- A2. Certified copy of Judgment in OS.125/13 of M.M.Court, Sasthamcotta dated 26.11.2024.
- A3. Copy of FIR in Crime No.132/23 of Sooranadu Police Station.
- A4. Income and Expenditure Register from 14.07.2010.
- A5. Copy of Resignation letter.
- A6. Photocopy of Trust deed No.9/2023/14 dated 03.03.23.
- A7. Copy of General Body of Karottu Kudumba Kshethra Samrakshana Samathi dated 03.07.2022.
- A8. Copy of Minutes of Karottu Kudumba Kshethra Samrakshana Samathidated 20.11.2022.

A9. Copy of Postal Receipts.

A10. Copy of Photos and Chatting Whats App.

Exhibits from the side of Respondents:-

B1. Copy of Affidavit in OS.155/22 of Munsiff Court, Sasthamcotta.

B2. Copy of Complaint in OS.214/22 of -do-.

B3. Copy of Complaint in OS.125/23 of -do-.

B4. Copy of Order in IA.01/23 in OS.125/23 of -do-.

B5. Copy of Order in IA.02/23 in OS.125/23 of -do-.

B6. Copy of Agreement of Oachira 'Sariga' dated 22.12.2022.

B7. Copy of Agreement of 'Sarovara' dated 22.12.2023.

B8. Copy of Notice of Karottu Devi Kshethram.

B9. Copy of Notice of Karottu Devi Kshethram.

B10. Copy of General Body of Karottu Devi Kshethram dated 16.11.2022.

Witness Examined for both sides:- Nil.

Id/-  
Civil Judge (Senior Division)

//True Copy//

Typed by : Sunil Kumar.S,  
Compared by: Sini.G.

Civil Judge (Senior Division).