

IN THE COURT OF THE SUBORDINATE JUDGE, KARUNAGAPPALLY

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

Monday the 30th day of June, 2025/ 9th day of Ashada, 1947.

IA.04/2025 in OS.41/2025

Between

- Petitioners/- 1. Raveendran Pillai,
(Defendants 1 to 15 & 18) Kinaruvila Veedu, Thottumugham.P.O.,
Mynagappally Village, Kunnathoor Taluk.
2. Suresh Chamavila, Chamavilayil Veedu,
Mynagapally Village of -do-.
3. Sanilchandran,
Thadathil Veedu,
South Mynagappally of -do-.
4. Ajimon, Nadayil Padinjattathil,
Thottumugham.P.O. of -do-.
5. Rajeev, Rajeev Vihar, -do-.
6. Sivan Pillai,
Sree Sailam of -do-.
7. Sreejith, Suvarna Bhavanam, -do-.
8. Jayakrishnan, Kaliyeyzhathu, -do-.
9. Unnikrishna Pillai, Prarthana, -do-.
10. Surendran Pillai, Sujith Vihar, -do-.
11. Gurudasan, Karandivila Puthen Veedu, -do-.
12. Unnikumar, Vishwa Bhavanam of -do-.

13. Prakash Kumar, Pavithram Veedu of -do-.
14. Ratheesh, Kakkarayyathu of -do-.
15. Suresh Kumar, Madana Vilasam,
Kizhakkekara, Thevalakkara.P.O.
16. Rajasekharan Pillai, Vasantha Vilasam,
Administrative Office Manager,
Mannurkkavu Bhagavathy Temple
(18th defendant)

(By Adv.Shri.P.Muraleedharan Nair)

And

Respondents/:- 1. Sree Mannurkavu Bhagavathy Kshethram,
(Plaintiffs) Thekke Muri, Mynagappally
represented by its President Gopinathan Pillai,
Govinda Vilasom.

2. Sree Mannurkavu Bhagavathy Kshethram
represented by its President.
3. Administrative Committee President
Gopinathan Pillai, -do-.
4. Administrative Committee Secretary,
C.R.Mohanan Pillai.
5. Radhakrishna Pillai,
Treasurer Administrative Committee of -do-.

(By Adv.Nisa Fasil).

This petition is coming on for hearing before me on
30.06.2025 and on the same day the court passed the following.

ORDER

1. The suit is one filed for a decree declaring that the alleged election conducted pursuant to the order dated 27.11.2024 in IA 2 of 2024 in OS No. 146 of 2024 of the Munisiff Magistrate Court Shasthamcotta, is null and void and not binding on plaintiffs 1 and 2, and further for a decree of permanent prohibitory injunction restraining the defendants 1 to 15 from interfering with the administration of the plaintiffs 1 and 2 by the plaintiffs 3 to 5, and to restrain the said defendants from running any parallel offices near the temple premises or in the name of 'Mannurkkavu Bhagavathy temple', and to restrain them from meddling with accounts and vanji collection of the plaintiffs 1 and 2, and further to restrain the 18th defendant from allowing defendant Nos. 1 to 16 in opening the vanji.
2. Plaintiffs in the suit have filed IA.01/25 under Order No. 39 Rule 1 of the Code of Civil Procedure, seeking interim injunction on above lines, and while the said petition was being heard with objection, defendants 1 to 15 & 18 filed the present IA and sought for raising a preliminary issue regarding maintainability of the suit, without filing detailed written statement.
3. According to the applicants, plaintiff No. 3, 4 & 5 are presently not the President, Secretary and Treasurer respectively of the temple and they have no right or authority to file the suit and

further that the suit which is filed without the decision of the General Committee is not maintainable.

4. In the present application, it is stated that the applicants have filed detailed objection on IA.01/25 wherein the reasons for the non-maintainability of the suit is explained, but a perusal of the said objection would show that at page No.2 it is mentioned at the last line of the first paragraph therein that the details of the non-maintainability will be explained later. Now, admittedly detailed written statement is yet to be filed, and it is understood from Minutes dated 12.05.2025 produced from the side of plaintiffs in IA.01/25 that the Committee had given clearance for filing the suit. In that regard, it appears to be objection of the applicants that only 7 members participated therein, which is insufficient. However, admittedly other members of that Committee have since resigned. Therefore, in an emergency, can it be said that the remaining members cannot resolve and authorize the President and Secretary (claiming to be holding on to the respective posts), for filing suit in the name of the Temple and Deity with urgent motions. I am of the view that the answer should be in the negative.
5. In fine, at this juncture it is premature to say that the suit is not maintainable. Let the defendants file detailed written statement, whereupon this Court will raise preliminary issue on maintainability, if found warranted.

6. Accordingly, this application stands dismissed.

Dictated to the Confidential Assistant, typed by her, corrected by me and pronounced in open Court on this the 30th day of June, 2025.

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

Appendix:- Nil.

Id/-
Civil Judge (Senior Division).

//True Copy//

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

Civil Judge (Senior Division).