

IN THE COURT OF THE MUNSIFF OF KANNUR
Present: Sri. Manikandan. C. K., Additional Munsiff, Kannur
Wednesday, 4rd day of March 2026, (13th Phalguna 1947)

I A 05/2026 & I A 06/2026 in OS 92/2026

I A 05/2026:-

Rajeevan. P. S/o Kunhonakkan, Aged 71 years, Punnakkal House, Azhikode South Amsom Desom, Kannur Taluk, PIN 670 009.	]	Petitioner/ Defendant No.1
	]	
Vs.	]	
1 Karuvalli Sree Koorumba Bhagavathi the Deity, represented by Ooralan Ananthan P, S/o Kannan, aged 77 years, Karuvalli Sree Kurumba Bhagavathikavu. Kannur-2 Village, Karar Desom, P. O Thana, Kannur-670002, Kanur Taluk.	]	Respondents
	]	
2 Ananthan P. S/o Kannan, aged 77 years, Ooralan, Karuvalli Sree Kurumba Bhagavathikavu. Kannur-2 Village, Karar Desom, P. O Thana, Kannur.	]	
	]	
3 Karuvalli Sree Koorumba Bhagavathi Kav Committee represented by its Secretary Sumesh M., S/o Ramadas, aged 53 years, residing at S M Nivas, P. O. Chovva, Kannur-670006, Elayavoor Amsom, Chovva Desom, Kannur Taluk & District.	]	
	]	
4 Rajesh P. M, S/o Balan, aged 52 years, Auto driver. Kalangot House, P. O. Chovva, Kannur 6, Elayavoor Amsom Desom, Kannur Taluk and District.	]	
	]	

- 5 Anurag. T. C. S/o Sreedharan, aged 45 years, Advocate. Near Jaybees College, Pallikkulam, PO. Chirakkal, Chirakkal Amsom Desom, Kannur Taluk & District.]
- 6 Sunil Lal T. P., S/o. Anandan, aged 65 years. Contractor, "Pampan House", Pallikunnu Amsom Chalad Desom, Kannur-670 014,.]
- 7 Satheesan, N. K, aged 56, S/o Kaniyankandy Leela, "Njadana Madan House", Chalil, Azhikode North Amsom Desom, Kannur District-670 009.]
- 8 Prabhanand. O. M. S/o Narayanan, 58 years, Bakery worker Odakkayi House, Kannur-2 amsom, Karar Desom, Thana. P.O, Kannur. PIN.-670 002, Kannur Taluk.]

And

I A 06/2026:-

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| Rajeevan. P. S/o Kunhonakkan,
Aged 71 years, Punnakkal House,
Azhikode South Amsom Desom,
Kannur Taluk, PIN 670 009. |] Petitioner/
Defendant No.1 |
| Vs. |] |
| 1 Karuvalli Sree Koorumba Bhagavathi the
Deity, represented by Ooralan
Ananthan P, S/o Kannan, aged 77 years,
Karuvalli Sree Kurumba Bhagavathikavu.
Kannur-2 Village, Karar Desom,
P. O Thana, Kannur-670002, Kanur Taluk. |] Respondents/
Plaintiffs &
D2 to D6 |
| 2 Ananthan P. S/o Kannan, aged 77 years,
Ooralan, Karuvalli Sree Kurumba
Bhagavathikavu. Kannur-2 Village, Karar
Desom, P. O Thana, Kannur. |] |

3	Karuvalli Sree Koorumba Bhagavathi Kavu Committee represented by its Secretary Sumesh M., S/o Ramadas, aged 53 years, residing at S M Nivas, P. O. Chovva, Kannur-670006, Elayavoor Amsom, Chovva Desom, Kannur Taluk & District.	]	Respondents/ Plaintiffs & D2 to D6
4	Rajesh P. M, S/o Balan, aged 52 years, Auto driver. Kalangot House, P. O. Chovva, Kannur 6, Elayavoor Amsom Desom, Kannur Taluk and District.	]	
5	Anurag. T. C. S/o Sreedharan, aged 45 years, Advocate. Near Jaybees College, Pallikkulam, PO. Chirakkal, Chirakkal Amsom Desom, Kannur Taluk & District.	]	
6	Sunil Lal T. P., S/o. Anandan, aged 65 years. Contractor, "Pampan House", Pallikunnu Amsom Chalad Desom, Kannur-670 014,.	]	
7	Satheesan, N. K, aged 56, S/o Kaniyankandy Leela, "Njadana Madan House", Chalil, Azhikode North Amsom Desom, Kannur District-670 009.	]	
8	Prabhanand. O. M. S/o Narayanan, 58 years, Bakery worker Odakkayi House, Kannur-2 amsom, Karar Desom, Thana. P.O, Kannur. PIN.-670 002, Kannur Taluk.	]	

Both petitions coming on this day for final hearing before me in the presence of Sri. M K Prasad, Advocate for the petitioner and for respondents No. 4 and 6 in both petitions; of S/Sri. P K Balakrishnan and Beena Manoj I V, Advocates for the respondents No. 1 to 3 in both petitions; and of Sri. K Sujith, Advocate for the respondents No. 5,7 and 8 in both petitions; the Court passed the following:-

COMMON ORDER

IA 5/2026 filed to advance the case and IA 6/26 filed to stay or suspend the order passed in IA 2/2026 and 3/2026

2. The averments in the petitions is as follows:- Petitioner herein is the 1st defendant in the above case. The contention of the petitioner is that this court was pleased to pass an order in IA 2/26 and 3/26 and petitioner want to prefer an appeal before the Hon'ble Sub Court, Kannur against the said order. Though the petitioner applied for carbon copy of the order, not received the same. Further contention of the petitioner is that he has a fair chance to win the CMA and plaintiffs are taking steps to executing the order in IA 2/26 and 3/26. Therefore, it is necessary to stay/suspend the order in IA 2/26 and 3/26. The petitioner also filed application to advance the case. Hence, the petitions.

3. Respondents/plaintiffs filed counter. The averments in the counter is as follows:- The contention of the plaintiffs/respondents is that there is no need to advance the above matter and the order in IA 2/26 and 3/26 are pronounced by this court after detailed hearing and considering the documents produced. The intention of the petitioners is to prevent the Theyyam festival and all the preparations for the festival are over by spending huge money. Further contention is that the performers of Theyyem are observing vratham. If the

festival is obstructed, that will cause hardship to the Ooralan. The order 41, Rule 5(a) is applicable only for decree till filing of the appeal. No such provision is contained in Order 43 of CPC. Only for procedures for filing appeal, the Rules under order 41 of CPC is to be followed. The Ooralan filed WP(c) 8214/2026 before the Hon'ble High Court of Kerala and Hon'ble High Court of Kerala directed the SHO, Kannur Town Police station to ensure law and order during the course of conduct of the festival. Hence, the applications are to be dismissed with costs.

4. Heard both sides.

5. The sole question to be answered is whether the petition is allowable or not?

6. **The point**:- This petitioner herein is the defendant No.1 in the above suit. The contention of the petitioner is that this court was pleased to pass an order in IA 2/26 and 3/26 and petitioner want to prefer an appeal before the Hon'ble Sub Court, Kannur against the said order. Though the petitioner applied for carbon copy of the order, not received the same. Further contention of the petitioner is that he has a fair chance to win the CMA and plaintiffs are taking steps to executing the order in IA 2/26 and 3/26. Therefore, it is necessary to stay/suspend the order in IA 2/26 and 3/26. On the other hand, the contention of the plaintiffs/respondents is that there is no need to advance the above matter

and the order in IA 2/26 and 3/26 are pronounced by this court after detailed hearing and considering the documents produced. The intention of the petitioners is to prevent the Theyyam festival and all the preparations for the festival are over by spending huge money. Further contention is that the performers of Theyyam are observing vratham. If the festival is obstructed, that will cause hardship to the Ooralan. The order 41, Rule 5(a) is applicable only for decree till filing of the appeal. No such provision is ordered in Order 43 of CPC. Only for procedures for filing appeal, the Rules under order 41 of CPC is to be followed. The Ooralan filed WP(c) 8214/2026 before the Hon'ble High Court of Kerala and Hon'ble High Court of Kerala directed the SHO, Kannur Town Police station to ensure law and order during the course of conduct of the festival.

7. On going through the case records, this court was pleased to allow IA 2/26 and 3/26 and common order was passed. The present application is filed under section 151 of CPC to stay or suspend the order passed in IA 2/26 and 3/26. According to the respondents/plaintiffs, the theyyam festival scheduled to be held from 05.03.2026 to 08.03.2026. There is no provision in the order 43 rule 1 to stay or suspend the order of injunction passed by the same court. On going through the order of Hon'ble High Court of Kerala in WP(c) 8214/26 the SHO, Kannur town police station is directed to ensure that the law and order is maintained during the conduct of temple festival held from 05.03.2026 onwards.

Anyhow, the petitioner/defendant filed application to get the carbon copy of the order and that said application was allowed by this court today. If the prayer in the application is allowed, the prayer and order in IA 2/26 and 3/26 would be defeated and no purpose would be served. Moreover that there is no provision in CPC to suspend or stay the interim injunction order passed by the same court. There is no any ground to apply the inherent power in this regard also. Hence, IA 5/25 is to be allowed for the purpose of disposing IA No.6/2026.

In the result,

- 1.** IA 5/2026 allowed and IA 6/2026 is dismissed.
- 2.** No order as to costs.

(Dictated to the Confidential Asst., transcribed and typed by her, corrected and pronounced by me in open court, this the 4th day of March, 2026).

Sd/-
ADDITIONAL MUNSIFF

Fair/Carbon Copy of Common

Order in IA 05/2026 & IA 06/2026

in OS 92/2026

Dated:- 04.03.2026

ADDITIONAL MUNSIFF

Fair/ Copy of Common Order in
IA.01/2022 and 04/2022 in FDIA
2378/19 in
OS 514/2016,Dated:11.09.2024.