

IN THE COURT OF THE MUNSIFF OF PAYYANNUR

Present: Sri. Santhosh Kumar N., B.A., LL.B., Munsiff

Tuesday, the 31st day of August, 2021.

9th Bhadra, 1943.

ORIGINAL SUIT NO.85 OF 2021

Authorised Members of Ooralan's of the
Edanadu Kannangattu Bhagavathi Temple
and Office Bearers.

Members:-

1. Deepesh.V, aged 40 years,
S/o. K.T. Narayanan, Edat amsom desom,
P.O. Edat, Payyannur Taluk, Kannur District
Pin- 670 327.
2. M.P. Pradeep, S/o. Narayanan Iriyalath,
aged 52 years, Kunhimangalam amsom Edanad
desom, Payyannur Taluk, Kannur District,
Pin- 670 327.
3. Edacheri Narayanan, S/o. Pilangu Chindan,
aged 52 years, Kunhimangalam amsom,
Edanad desom, Payyannur Taluk, Kannur District,
Pin- 670 327.

Plaintiffs

Vs.

Puthiyadavan Veetil Unnikrishnan,
aged 60 years, S/o. Kana Krishnan,
agriculture, residing at Peringome amsom
Aravanchal desom, Kanhirapoyil, P.O. C.R.P.F,
Payyannur Taluk, Kannur District, Pin 670 353.

Defendant

This suit is coming on 24th day of August 2021 for hearing before me in the presence of S/Sri. C. Narayanan Nair and Nived K.V, Advocates for plaintiffs; defendant's name called absent and set exparte and having stood over to this day for consideration and the court delivered the following:

J U D G M E N T

Suit is filed for money and mandatory injunction.

2. **The plaint averments in briefs are as follows:-** The Ooralans' of the Edandau Kannamgattu Bhagavathi Temple and office bearers of the temple committee executed an agreement with the defendant on 20-11-2018. The agreement was with respect to the appointment of the defendant as Komaram (representative of the deity) and the lifelong performance of rituals and practices as such. It was stipulated in the agreement for payment of ₹ 2,50,000/- for the performance of lifelong rituals in the temple and for being representing the deity as Komaram. It was further stipulated that an amount of ₹2,00,000/- would be deposited within six months of the agreement in the joint account of the defendant and temple administrative committee and that the defendant would be entitled to receive the interest accruing from the fixed deposit. He shall not have any other remuneration. It was also stipulated that the defendant should perform the rituals and other practices as Komaram of the deity with devotion, discipline and at most faith and to the satisfaction of believers of the deity. In the event of any deliberate breaking of the rituals or relinquishment of the status as Komaram of the deity or cause any blemish to the system, the defendant shall liable to return Rs.4,50,000/- to the temple committee.

3. Accordingly, the defendant received ₹ 2,50,000/- on 27-11-2018 from the temple committee and being ceremonised as the Komaram. The defendant did not agree to deposit ₹ 2,00,000/- in the joint account of the temple committee and of the defendant as it was stipulated in the agreement he insisted for depositing the amount in his own account. But the temple committee not ready for the same. The defendant did not attend the temple or perform the rituals and other ceremonies from 24-09-2019. During the 'Kaliyattam' held on January 6

to 9 of 2020 the temple committee had to perform rituals through another person and had incurred huge liability by way of remuneration to the Komaram made available from near by Kannamgattu temple. Thereby the defendant has condemned the status as the Komaram of the temple and because of his responsible and negligible act the temple committee had suffer huge loss. This was informed to the defendant to registered notice but he did not reply. The defendant was not ready return the amount received or surrender the status as the Komaram of the temple deity. The defendant is liable to return ₹ 2,50,000/- amount with interest. Hence, this suit.

4. Defendant's name called absent and set exparte. Plaintiff filed chief affidavit for exparte evidence and marked Exts.A1 to A5.

5. The plaint claim stands proved by the affidavit filed by the plaintiff and Exts.A1 to A5.

In the result, the suit is decreed with cost of the plaintiff as follows:-

1. The defendant is hereby directed to surrender the status as Komaram of the Kulavanthattil Bhagavathi of Edandau Kannamgattu Bhagavathi Temple as per the rituals being practice in the temple.

Plaintiffs are allowed to recover ₹ 2,50,000/- (Two lakh fifty thousand only) from the defendant together with interest @ 6% per annum from the date of suit till the date of realisation.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court, this the 31st day of August 2021).

MUNSIFF.

Plaintiff's Exhibits:-

- A1 20.11.2018 : Agreement
- A2 25.03.2021 : Certified copy of lawyer notice issued by Advocate C.Narayanan Nair to defendant.
- A3 25.03.221 : Postal receipt.
- A4 27.03.2021 : Postal Acknowledgment Card addressed to Puthiyadavan Veetil Unnikrishnan.
- A5 14.03.2021 : Photocopy of Annual Generalbody meeting minutes.

Plaintiff's Witness : - Deepesh. V

Defendants' Exhibits and witnesses:- Nil

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