

IN THE COURT OF THE MUNSIFF, CHANGANACHERRY

Present :- Smt. Sarica A.R, Munsiff

Monday 16th day of February, 2026
27th Magha, 1947

I.A. No. 1/2026 in O.S. No. 240/2024

Petitioners/ Plaintiffs:-

1. P.Anil Kumar, S/o. Parameswaran Pillai,
aged 48 years, Mangalassery House,
Ithithanam Kara, Kurichy Village,
Malakunnam P O, Changanachery Taluk,
Kottayam District.
2. Kannan P.K., S/o. Krishnan Nair, aged 40 years,
Pampadiyil House, Ithithanam Kara, Kurichy Village,
Malakunnam P O, Changanacherry Taluk,
Kottayam District.
3. Ratheesh, S/o.Thankappan Nair, aged 41 years,
Pampadiyil House, Ithithanam Kara, Kurichy Village,
Malakunnam P O, Changanacherry Taluk,
Kottayam District.
4. Anilkumar, S/o.Raman Nair, aged 54 years,
Pampadiyil House, Ithithanam Kara, Kurichy Village,
Malakunnam P O, Changanacherry Taluk,
Kottayam District.
5. Ravi Raj T R. S/o. Raveendran Nair, aged 44 years,
Kizhakkethathu, Ithithanam Kara, Kurichy Village,
Malakunnam P O, Changanacherry Taluk,
Kottayam District

By Adv. P.V.Venugopal

Counter Petitioners/Defendants:-

1. Elamkavu Devi and Devaswom(Juristic Person)
Represented by its President, Ithithanam Kara,
Kurichy Village, Malakunnam P O, Changanacherry Taluk,
Kottayam District, Pin 686532.
2. President, Elamkavu Devaswom Committee,
Ithithanam Kara, Kurichy Village, Malakunnam P O,
Changanacherry Taluk, Pin 686532.
3. Secretary, Elamkavu Devaswom Committee,
Ithithanam Kara, Kurichy Village, Malakunnam P O,
Changanacherry Taluk, Pin 686532.
4. Treasurer, Elamkavu Devaswom Committee,
Ithithanam Kara, Kurichy Village, Malakunnam P O,
Changanacherry Taluk, Pin 686532.
5. K.G.Rajmohan, aged 67 years, S/o Gopinathan Nair,
Anaril House, Ithithanam Kara, Kurichy Village,
Malakunnam P O, Changanacherry Taluk,
Kottayam District, Pin 686 535
6. Praveen Kumar, aged 51 years, S/o. Damodharan Nair,
Prasanna Sadanam, Ithithanam Kara, Kurichy Village,
Malakunnam P O, Changanacherry Taluk,
Kottayam District
7. A K Prakashkumar, aged 58 years,
S/o. Krishnankutty Nair, Ambattu, Ithithanam Kara,
Kurichy Village, Malakunnam P O, Changanacherry Taluk,
Kottayam District

By Adv. E A Sajikumar

This petition is coming up for consideration before this Court on 16.02.2026 and the court on the same day passed the following :-

ORDER

The petition filed under S.151 CPC seeking direction.

2) **The petition averments is as follows:-** Petitioner is the plaintiff in the suit. The petitioner submits that as per order of the court in IA No. 4 of 2024, status quo to continue the status without recording any adverse remarks against the plaintiff was passed. The defendants especially Office Bearers of the Ithithanam Elamkavu Devaswom willfully evaded issuing of notice to the plaintiffs intimating conduct of the general body meeting held on 07.02.2026 and other meetings on future dates including Annual General Body on the pretext of impugned suspension held unilaterally without any proper enquiry or report or procedures in domestic enquiry. This order was passed ex-facie overlooking the interim order issued by Honourable High Court in O.P (Civ) 2987/2024 dated 27/12/2024 restoring right of petitioners to vote for election to managing committee. Hence this petition to allow the petitioners to participate in the forthcoming

general body meeting held on 08/02/2026 (SUNDAY) and on other recurring meetings held on future dates without deterring petitioners/plaintiff on the pretext of impugned suspension for securing ends of justice.

3) No objection was filed by the respondents.

4) Points for consideration are:

1) Whether the petition to be allowed ?

2) Reliefs and costs ?

5) Heard.

6) **Points 1 and 2:-** At this juncture, this court peruses into its order dated 22nd of November, 2024, in IA No. 1/2024, wherein it was stated that *“The respondents/defendants, their agents, servants and workmen shall be temporarily restrained from making any permanent entries in records adverse to the interest of the plaintiffs or from implementing or executing any permanent decision on the strength of the impugned notice dated 2.8.2024, till the disposal of this suit. The suspension of the plaintiffs from the membership of the Devaswom shall continue, until further orders.*

Any decision taken by the Devaswom board against the plaintiffs shall be subject to the final judgment and decree passed by this court.

7) It is also recorded in the 10th paragraph, “with ongoing disputes between the parties of such a grave nature, the suspension of the plaintiffs shall continue until disposal of this suit. This is to ensure no further confrontation or disputes between the parties, that can affect the smooth functioning of the temple administration and with due respect and priority to public safety. A suit can’t be allowed for mere vindication of honour, by forsaking public safety. Moreover, no prejudice is caused by this suspension as the absence of the plaintiffs from the membership of the committee does not in anyways affect their freedom to religion or hinder the working of the committee.” It is for this reason that a temporary injunction order was granted. The counsel for the petitioner has sought for participating in the general body meeting from 08.02.2026 and in recurring meetings held on future dates without deterring petitioners/plaintiff on the pretext of impugned suspension for securing ends of justice.

8) Quoting the first relief in the plaint in OS 240/2024 “a) To issue a decree declaring legal right of the plaintiffs to continue and

to participate in General Body meeting reserving liberty to contest in forthcoming elections to be held in December, 2024 and to abstain from taking any action or by setting aside impugned notice dated 02-08-2024 issued by Secretary of Elamkavu Devaswom against the 1st plaintiff, a life member and 2 to 5 members of General Body are devoid of merit stood against Rule of Law forbearing from taking any consequential decision if so which are not binding on plaintiffs”. Thus, it is not possible for the plaintiffs to seek the same in the form of an interim relief. The same relief as the relief claimed in this petition has been sought for in the suit. The Apex Court in the case of ***Cotton Corporation of India v. United Industrial Bank, AIR 1983 SC 1272*** has held :

“It is undisputable that temporary injunction is granted during the pendency of the proceeding so that while granting relief the Court is not faced with a situation that the relief becomes infructuous or that during the pendency of the proceeding an unfair advantage is not taken by the party in default or against whom temporary injunction is sought. But power to grant temporary injunction was conferred in aid or as auxiliary to the final relief that may be granted. If the final relief cannot be granted in terms as prayed for, temporary relief in the same terms can hardly if ever be granted. In The ***State Of Orissa v. Madan Gopal Rungta, 1952 SCR 218*** :

AIR 1952 SC 12 a Constitution Bench of the Honourable Apex Court clearly spelt out the contours within which interim relief can be granted. The Court said that an interim relief can be granted in aid of, and as ancillary to, the main relief which may be available to the party on final determination of his rights in a suit or proceedings. If this be the purpose to achieve which power to grant temporary relief is conferred, it is inconceivable that where the final relief cannot be granted in the terms sought for because the statute bars granting such a relief ipso facto the temporary relief of the same nature cannot be granted.”

9) The learned counsel for the petitioner relied on OP(C) 2987 of 2024 of the Hon'ble High Court of Kerala dated 27.12.2024. The order of the Honourable High Court is as follows:

“ 1. Admit. Issue notice.

2. It is seen from Ext.P2 interim order that the suspension of the plaintiffs was allowed to continue in order to ensure that there would not be any confrontation or dispute between the parties which would affect the smooth functioning of the temple administration.

3. The learned counsel for the petitioner submits that the election to the Managing Committee is scheduled on 29-12-2024 and in view of the order of the Trial Court, they are unable to vote.

4. In view of the said submission, the petitioners are provisionally permitted to vote in the election of the Managing Committee of the 1st respondent which will be subject to further orders of this court.”

10) Therefore, as per this order, there is a direction by the Hon'ble High Court that the petitioners are permitted to participate in the election of the Management Committee on 29-12-2024. It is also held in the order that the suspension of the plaintiffs are allowed to continue to ensure any further confrontation which would affect the smooth functioning. Ext.P2 in this order refers to IA 1/2024 dated 22.11.2024 in OS 240/2024. Thus, IA 1/2024 has been upheld by the Hon'ble High Court of Kerala with a direction that the petitioners are only permitted to take part in the elections. So far as the suspension of the petitioner from the membership of the Devaswom continues, permitting them to take part in the general body election will hinder the smooth functioning of the temple administration, for

the reasons aforementioned. The membership of the parties being a subject matter in issue, it is in the best interest that the petitioners can participate in the general body meetings after determination of the matters in issue in the suit.

In the result, IA No. 1/2026 dismissed.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced by me in open Court on this the 16th day of February, 2026.

Sd/-

**SARICA A R
MUNSIFF**

APPENDIX - Nil

Id/-

MUNSIFF

//True Copy//

Copied by:
Compared by:

Sd/-

**SARICA A.R
MUNSIFF**