

IN THE COURT OF THE MUNSIFF OF CHITTUR

Present :- Sri. Raphael.E.V., Munsiff, Chittur
Monday the 8th day of April, 2024
19th day of Chaithra, 1946 S.E.

ORIGINAL SUIT No: 121/2021

K.R.Venkiteswaran, aged 61 years, : Plaintiff
S/o.Late.K.K.Rama Iyer, East Village,
Pallassena Amsom, Chittur Taluk
(Present Treasurer, Kizhakke
Grama Samajam, Pallassena)

Vs.

T.A.Ramanathan, aged 58 years, : Defendant
S/o.Late.Ananthapadmanabha Iyer,
East Village, Pallassena Amsom, Chittur Taluk
(Present Secretary, Kizhakke
Grama Samajam, Pallassena)

This suit is coming on this day for hearing before me in the presence of Sri.K.S.Menon and Sri.Mathew.C.Thomas, Advocates for the plaintiff and defendant called absent and set exparte and the court delivered the following :-

J U D G M E N T

Suit for mandatory injunction and permanent prohibitory injunction.

2. Plaint averments in brief are as follows :- Plaintiff and defendant are members of the Brahmin community of Pallassena Village. The Sri Kalyana Parvathi Sametha

Gargeswara Swamy Temple is an ancient temple belonging exclusively to the said community. The management and administration of the temple is being carried on by the committee elected by the residents of the members of the Brahmin Community residing in the Agraharam at Pallassena. Complaints from the members were heard about miss-management and miss-appropriation of the temple funds. A election of the new committee was formed and the plaintiff as treasurer requested the defendant who was the erstwhile treasure to hand over all records regarding collection till then and render an account of the same. The defendant did not heed to the demand of the plaintiff. The defendant should not be allowed to miss-appropriate the temple income also. Hence the plaintiff prays for a mandatory injunction alone in this suit directing the defendant to produce all records regarding the income and expenses of the temple since 2014 an account for the same. Hence the suit.

3.The defendant entered appearance and filed written statement denying the averments in the plaint. But when the case as listed for trial, no representation from the defendant. Defendant was called absent and set exparte.

4. To prove the case of the plaintiff he examined as PW1 and he filed affidavit in lieu of chief-examination and produced Ext.A1 and A2 were marked. No contra evidence tendered and hence proof affidavit is accepted and marked as Exts.A1 and A2. The affidavit along with the documentary evidence proved the case of the plaintiff.

In the result,

- (1) The defendant is directed by way of mandatory injunction to produce all records regarding the income and expenses of Sri Kalayana Parvathy Samathe Gargeswara Temple at Pallassena render the accounts of the same from the year 2014 onwards within a period of 2 months from the date of this decree. If the defendant fails to do so, the plaintiff is entitled to do the same through the process of the court.
- 2) The defendant and his men are hereby restrained by way of permanent prohibitory injunction from interfering with the functioning of the committee elected on 8-1-2020 till another committee is validly elected for the above Temple.
- 3) The defendant is directed to pay costs of the suit to the plaintiff.

Dictated to the Confidential Assistant, transcribed by him, corrected and pronounced by me in open court, this the 8th day of April, 2024.

Munsiff

Plaintiff's Witness Examined :

PW1 : K.R.Venkiteswaran

Plaintiff's Exhibits :

A1 10-01-2020 : Copy of the Minutes of the meeting

A2 09-08-2020 : Copy of the Minutes of the meeting

Defendant's Witness and Exhibits : Nil

Munsiff

Typed by : Sreela.K.S
Compared by : Lalitha

Fair / Copy of Judgment in
O.S.No. 121/2021
Dated : 08/04/2024
