

**IN THE COURT OF THE MUNSIFF, KODUNGALLUR.**

**Present:-**

**Smt.Karthika.K.,Munsiff.**

**Saturday the 7<sup>th</sup> day of February 2026/ 18<sup>th</sup> Magham 1947**

**I.A.7/2026 IN O.S.760/2025**

**Petitioner/Plaintiff:**

K.G.Sreenivasan ,Thanthri, Sree Sarada Samajam,  
Kottikkal, Reg. No. 41/60 Kottikkal Sree Bhagavathy  
Temple. P.O.Azhikode, Kodungallur, Thrissur

By Adv:N.J.Netto

**Respondents/Defendants**

1. Sree Sarada Samajam, Kottikkal, Reg. No. 41/60  
P.O.Azhikode, Kodungallur, Thrissur, Rep by  
President: M.S.Venugopalan, aged 58 years,  
S/o.Maliyekkal Subbayyan,  
P.O.Azhikode, Kodungallur.
2. Sree Sarada Samajam, Kottikkal, Reg. No. 41/60  
P.O.Azhikode, Kodungallur, Thrissur, Rep by  
Secretary: T.C.Rajeevan,, aged 55 years,  
S/o.Thekkumthottathil Chandran, P.O.Azhikode,  
Kodungallur

By Adv: T.M.Sabala

This petition having come up for final hearing before me on 05.02.2026 in the presence of the counsel for both sides and having stood over for consideration to this day the court on 07.02.2026 delivered the following

**ORDER**

**This is a petition filed u/s 151 of the CPC for police help.**

2. **The petition averments is as follows:-** The petitioner is the plaintiff in the above case. As per the order of this court in I.A.3/25 dated 9.9.2025 an interim injunction order is passed prohibiting the respondents from removing the petitioner from the post of a 'Thanthri' at Sree Sarada Samajam Kottikkal Bhagavathy temple. But on 28.12.2025 the respondents acted unilaterally and kept away the petitioner from involving in the day to day affairs of the temple. The petitioner has brought the same before the notice of this court and the court has reserved his verdict on the above said issue. The festival of the temple is being conducted on 7<sup>th</sup> February to 11<sup>th</sup> February 2026. The petitioner has been conducting Thanthrik rituals at the idol consecration as well as the temple festival up to this date with at most care and sanctity. Therefore the petitioner has to involve in the Thanthrik rituals and ceremonies to be conducted in the Ulsav to be conducted from 7<sup>th</sup> February to 11<sup>th</sup> February 2026. In order to restrain the

respondents committee members of the temple police protection is to be provided to the petitioner for conducting his duties as a 'Thanthri' of the temple. Therefore the petition may be allowed.

3. **The respondents filed objection is as**

**follows:-** The suit is originally posted on 13.2.2026 for passing orders in I.A.3/25,1/16,2/26 & 3/26. During the hearing of all these petitions no such averments were raised by the petitioner. The petitioner is not entitled to receive an order as prayed in the petition. There is no situation to ask for the police help within the temple at this juncture. More over injunction I.A.3/25 was heard and posted for passing orders on 13.2.2025. Therefore the petition for police help filed before the final order in I.A.3/25 is premature. The only intention of the petitioner is to humiliate and defame the respondents in the midst of the public. The petitioner has also get FIR registered on 2.2.2026 against the 2nd respondent and a member named Karthikeyan stating that the petitioner was thrown out from the hall by pulling out of his neck when he come to the general body meeting. But no such allegations were raised by the petitioner

either in the violation IA or in the arguments of the above IA. There is no law and order situation arising in the temple and its premises so as to make entry to the police officials. This is only done with an intention to create an image in the mind of the general public that there is law and order situation existing in the temple and its premises. Therefore this petition cannot be allowed.

4. Heard both sides.

5. Point to be considered:-

“ Whether the petition can be allowed?”

6. **The point:-** The prayer in this petition is to provide the assistance of Kodungallur police to the petitioner. So that he may conduct his right as a ‘Thanthri’ of the 1st respondent temple and to participate in the consecration as well as Ulsavu ceremonies being conducted in the month of February. The main allegation of the petitioner is that there was an original order from this court that the petitioner may not be forcefully removed from the membership of Sarada Samajam or from the post of the ‘Thanthri’ and interim injunction is also allowed by this court. But even though ad interim prohibitory injunction has been passed and even though the respondents

filed affidavit before this court that the petitioner will not be removed unless the final disposal of the injunction IA in the annual general body meeting held on 28.12.2025 the petitioner has been removed from the membership of the Sarada Samajam. This act of the petitioner is illegal and if the petitioner attempts to perform his duty as a 'Thanthri' of the temple, there are all chances that the respondents will obstruct the petitioner. Therefore it is necessary to pass an order providing police assistance to the petitioner in this case.

7. The respondents vehemently objected petition and stated that this petition is a premature one. The interim injunction application filed by the plaintiff as I.A.3/25 has already been heard by the court and it is reserved for orders on 13.2.2026. No final order has been passed in the injunction application. A petition for violation of injunction is also pending before this court. It is also reserved for orders on 13.2.2026. So unless and until a final order is passed in the injunction application no police help can be provided to the petitioner based on a temporary injunction order. In order to substantiate their pleadings the respondents produced two rulings of the Hon'ble High Court of Kerala.

8. In **Kochupennu Ambujakshi and Another v.**

**Veluthakunju Vasu Channar and others reported in 1992**

**KHC 270.** In that dictum the Hon'ble High Court observed that

*“ For enforcing a decree or order the Civil Court has power to direct the police authorities to render assistance to the aggrieved party in order to see that the Court's order is implemented. But the assistance of police cannot be requested to enforce an interim ex parte order.”* In paragraph 15 of the judgment the Hon'ble High Court has held that *“ It would be premature and dangerous to enforce the ex parte order of injunction when its continuance is opposed. Such orders are issued on the basis of the averments contained in the plaint and affidavit of the plaintiff. The true picture emerges only after hearing both sides.”* ..... *“It is imperative that police should not be allowed to intervene or interfere at this stage in matters of possession which entail civil disputes, especially when the matter is one at the interlocutory stage of proceedings.”* ..... *“Only a final order passed under Rule 1 or Rule 2 of Order 39 can be enforced with the assistance of the police”.*

9. In **Adhikarath Valappil Kunhumammed alias**

**Kunhippa v. Korath Illath Valappil Manni alias Bava Haji**

**reported in 1999 AIR (Kerala)383(DB).** The Hon'ble High

Court held that “*Ordering police protection in case of violation of the ex parte injunction order is not in order. The police protection should only be granted based on a final order passed under Rule 1 or Rule 2 of Order 39 of the Code of Civil Procedure and not on the basis of an ad interim ex parte order.*” In this case only an ad interim injunction is passed. No final order is passed in I.A,3/25 and it is reserved for orders on 13.2.2026. Therefore this petition seeking police help is premature and the petitioner is not entitled for a relief sought in the petition.

**In the result, the petition stands dismissed.**

Dictated to the Confdl.Asst., transcribed by her, corrected by me and pronounced in open court on this the 7<sup>th</sup> day of February,2026.

Sd/  
KARTHIKA.K,  
MUNSIFF

APPENDIX: NIL

Id/  
MUNSIFF

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compared

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By Order

Jr. Superintendent