

IN THE COURT OF THE MUNSIFF, KODUNGALLUR.

Present:- Smt.Karthika.K., Munsiff.

Thursday, the 26th day of February, 2026/ 07th Phalgunam, 1947.

I.A.1/2026 IN O.S.760/2025

Petitioner/Plaintiff:

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

By Adv.N.J.Netto

Respondents/Defendants:

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

By Adv.T.M.Sabala

This petition coming on this day for hearing before me, the court on the same day passed the following:

ORDER

This petition is filed under Order XXXIX Rule 2(A) of CPC for arrest and detention of the respondents in civil prison and attachment and sale of movable and immovable properties for violating the injunction order.

2. **The petition averments is as follows:-** The petitioner is the plaintiff in the above suit. This suit is one for permanent prohibitory injunction restraining the defendants from expelling the petitioner from the membership

of the respondents samajam by forcefully, illegally and unilaterally. The respondents are continuing as the President and Secretary of the respondents samajam for the last 13 years. It has seriously affected the proper working of the samajam. The respondent is also attempting to remove the petitioner from the post of 'Thanthri' with hast. The respondents filed affidavit on 9.1.2025 and it is admitted by the respondents that they will not remove the petitioner from the post of 'Thanthri' and they will not restrict him from entering into the samajam till I.A.3/25 was disposed upon merits. On 28.12.2025 they decided to conduct annual general body meeting at the KTB hall and the petitioner filed an application for appointing an advocate commissioner to conduct the meeting in the presence of the commissioner. But the respondents sought time for filing counter and they agreed before the court that they will not act against the affidavit filed by the petitioner. But while the order of the court was still pending the respondents upon their secret agenda removed the 'Thanthri' and expelled from his primary membership by the decision of the annual general body in the presence and leadership of the defendants. This is a clear violation of the court order. The defendants have violated the order in I.A.3/25. Therefore they may be arrested by issuing arrest warrant to detain in civil prison and to attach and sell the defendants movable and immovable properties.

3. **The objection filed by the respondents in this case is as follows:-** The petition is not maintainable either in law or on facts. The above

suit is filed to restrain the respondents from removing the petitioner from the position of 'Thanthri' forcefully against the rules of bye-law, or unilaterally expelling him from being a member of the samajam or from entering the temple premises. The interim order was granted till 9.9.2025 and then extended to 19.9.2025. Thereafter the respondents filed an undertaking that the respondents will not remove the petitioner from the status of 'Thanthri' of Sree Sarada Samajam Bhagavathy temple till the disposal of I.A.3/25. The respondents have not violated any order granted by this Hon'ble court. The Pothuyogam was decided to be conducted on 28.12.2025 and the petitioner filed a petition to appoint an advocate commissioner to oversee the pothuyogam. The decision was taken on 5.12.2025 and the petition was filed on 18.12.2025. The matter was advanced and posted to 1.1.2026 and by that date the Pothuyogam had already been taken place. By filing the petition at the last moment before the holidays the petitioner tried to get a favourable order without giving the respondent ample time for filing an objection and for hearing. The annual general body meeting was conducted in a transparent way and there was no hidden agenda for removing the petitioner from the position of 'Thanthri'. All the decisions were taken by the members of the annual general body meeting passed by the majority. As per Rule 31 of the bye-law the annual general body meeting is vested with the power of removing a member from the respondents samajam and not with the executive committee. Therefore the respondents have never violated the order granted by this court. The petitioner

has filed I.A.2/25,5/25 and 2/26 for appointing a commissioner which are pending before this court. But since no relief is obtained from these petitions the brother of the petitioner who is the member of respondents samajam filed another fresh suit T.D.C.I.A.9/25 before the vacation court, Thrissur along with the petition for appointing an advocate commissioner and for injunction. After hearing both sides the matter was adjourned without passing any orders since there was no prima facie case. This case has been transferred to this Hon'ble Court and renumbered as O.S.30/2026. The petitioner has not mentioned about the three other pending commission applications in the above petition. The annual general body meeting was conducted on 28.12.2025 in the presence of petitioner, his supporters and respondents and other members of the respondent samajam. The majority of 279 members took decision to remove the petitioner from his position as 'Thanthri' as per the rule 31 of the bye-law. The annual general body is vested with the power of removing a member from the respondent samajam and not with the executive committee. It was decided by the annual general body meeting that the above decisions against the petitioner will be implemented subject to the decision of the I.A.3/2025 filed before this Hon'ble Court. All these facts can be seen from the minutes produced before this court. Hence no violation of the interim order or the affidavit filed by the petitioner occurred. Therefore the petition is not maintainable and hence it is to be dismissed.

4. Heard counsel for both sides.

5. Exts. A1 to A6 documents and Exts. B1 to B7 documents were marked from the side of the parties.

6. Point to be considered:-

“ Whether the petition can be allowed?”

7. **The point:-** The main contention of the petitioner is that the respondents have violated the injunction order granted by this court on 28.3.2025. It is pertinent to note that the order of temporary injunction passed by this court on 23.2.2025 and the injunction was granted only up to 9.9.2025. Thereafter on 9.9.2025 the injunction was extended till the hearing date which was on 19.9.2025. On 19.9.2025 there was no submission from the side of the petitioner to extend the interim injunction order further. On that date it self the respondents filed affidavit stating that they will not expel the petitioner from the post of the ‘Thanthri or the membership till the disposal of I.A.3/25. The injunction order did not extented after 19.9.2025. The annual general body meeting is said to have conducted on 28.12.2025. The petitioner produced Exts.A1 to A6 documents before this court. Ext.A1 is a show cause notice issued to the petitioner on 1.8.2025 stating that the petitioner has been suspended from the Sree Sarada Samajam Reg.No.41/60. It states that the petitioner has initiated some defamatory activities against the secretary and since on the basis of the enquiry conducted the petitioner has been suspended from the membership. Ext.A2 is the photocopy of reply given by the petitioner for Et.A1 show cause notice dated 6.8.2025. In that notice the petitioner had categorically

stated that he never stated that the secretary has stolen the amount and he denied all the allegations levelled against him in the show cause notice. Ext.A3 is the photocopy of the notice dated 11.3.2020. The petitioner stated that the Secretary, T.C.Rajeevan has stolen Rs.2,00,000/- and three member committee conducted detailed enquiry and filed a report on 23.2.2025. On the basis of the report filed by the committee members the respondents samajam understood that it is the petitioner who spread such a news among the people. Therefore he was asked to show cause for not taking any measures against him u/s 31 of the bye-law. Ext.A4 is the copy of enquiry report dated 22.2.2025 filed by the President, Treasurer and executive member of the samajam. Ext.A5 is a petition filed by Ajithan before the SHO, Kodungallur stating that he never stated anything before the enquiry commission and he has been defamed by the members of the enquiry commission of Sree Sarada Samajam. Ext.A6 is the copy of FIR obtained from police station, Kodungallur. This is a case filed against Rajeevan, secretary of Sree Sarada Samajam u/s154 Cr.PC. This copy of FIR filed to show that there are criminal antecedent against the Secretary, Sree Sarada Samajam.

8. The respondents filed Exts. B1 to B7 documents before this court. Ext.B1 is the copy of bye-law under Rule 31. Ext.B2 is a copy of petition and affidavit filed by the brother of the petitioner before Thrissur Vacation Court for appointing a commissioner. Ext.B3 is a petition filed for interim prohibitory injunction filed to prohibit respondents from obstructing the petitioner from

taking part in the annual general body meeting conducted at KTB hall. Ext.B4 is the true copy of name of the members participated in the annual general body meeting conducted on 28.12.2025. The original of the attendance book is produced before the court and the original is compared with the copy and the original is returned to the respondent. Ext.B5 is also a true copy of the attendance register of the members participated in the annual general body meeting conducted on 28.12.2025. Ext.B6 is the minutes of 65th annual general body meeting of the respondent Samajam conducted on 28.12.2025 which shows that the decision taken by majority members of the annual general body meeting to expel the petitioner from the membership of the Sree Sarada Samajam as well as the post of 'Thanthri'. Ext.B7 is the true copy of the bye-law of the respondent Sree Sarada Samajam. Rule 31 and 32 deals with expulsion of members from the membership of the samajam and they have right to prefer an appeal before the annual general body meeting and Rule 33 deals with the reinstate of members into the samajam. It is evident that the respondents did not remove the petitioner from the primary membership or from the post of 'Thanthri'. It is the majority decision of the members participated in the annual general body meeting conducted on 28.12.2025 to expel the petitioner from the post of the 'Thanthri'. Therefore it is evident that the respondents 1 and 2 did not violate the injunction order passed by this court or they did not act in violation of affidavit filed by them.

9. The respondents also submitted that the annual general body

meeting has been conducted as per the bye-law of the Samajam and no illegal acts has been committed by them. Moreover the Samajam has to be represented by the President, Secretary and Treasurer as per Section 25 of the bye-law. But the treasurer is not made a party to the suit or petition . Therefore the suit and petition is also bad for non joinder of necessary parties. From the reading of the Section 25 of the bye-law it is evident the legal matters has to be prosecuted by the present president, Secretary and treasurer and they will be represented for Samajam in the prosecution of legal matters. Therefore the treasurer is also a necessary party in the above suit and the suit and petition is bad for non joinder of necessary parties.

10. From the analysis of the entire evidence before this court it is evident that the interim injunction order passed by this court is on 23.08.2025 and was extended up to 19.09.2025 and no injunction order is extended after 19.9.2025. The respondents 1 and 2 has filed affidavit before this court that they will not expel the petitioner from the post of 'Thanthri ' and from the membership of 1st respondent samajam. Rule 31 of the bye-law Ext.B7 bye-law empowers the secretary to expel the member from the membership as per the procedures mentioned in the bye-law. But from ext.B6 document it is evident that the decision to expel the petitioner was taken by the majority members of annual general body meeting and not by respondents 1 and 2. Therefore there is no violation of the injunction order passed by this court and violation of the affidavit filed by the respondents 1 and 2. Therefore the petitioner is not entitled

to get an order as prayed for.

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 26th day of February, 2026)

Sd/-

KARTHIKA.K,
MUNSIFF.

APPENDIX

Petitioners' Exhibits:

A1	-	01.08.2025	-	Show Cause Notice
A2	-	06.08.2025	-	Copy of Reply Notice
A3	-	11.03.2020	-	Copy of Notice
A4	-	22.02.2025	-	Copy of Enquiry Report
A5	-		-	Petition to S.H.O.
A6	-		-	Copy of FIR

Respondents' Exhibits:

B1	-		-	Copy of Bye Law
B2	-		-	Copy of Petition and Affidavit
B3	-		-	Petition for injunction
B4	-		-	True Copy of General Body meeting members
B5	-		-	True Copy of Attendance registered
B6	-		-	Minutes
B7	-		-	True Copy of Bye Law.

Petitioners' Witness:

Respondents' Witness: - Nil.

Copied by: pn

Compared by:

//True Copy//

Id/-
MUNSIFF.

Junior Superintendent