

IN THE COURT OF THE MUNSIFF, KODUNGALLUR.

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

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

I.A.3/2025 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 1 of CPC for a temporary prohibitory injunction.

2. **The petition averments is as follows:-** The petitioner is the plaintiff in the above suit. The suit is one for permanent prohibitory injunction. The petitioner is working as a 'Thanthri' of Sree Sarada Samajam Reg.No.41/60, Kottikkal Bhagavathy temple. The respondents 1 and 2 are the President and Secretary of Sree Sarada Samajam Reg.No.41/60, Azhikode.P.O,

Kodungallur. There is a stipulation in the bye-law to elect executive committee with maximum of 11 members and minimum of 7 members in the annual general body meeting of Sree Sarada Samajam every year. The executive committee consists of President, Secretary, Vice President, Joint Secretary and Treasurer and committee members. As per the decision of the general body meeting the membership of the executive committee will be extended. It is clearly stated that no committee can continue without rectification of the general body decision for a period of more than 15 months.

3. While so a notice was issued to the petitioner stating that the petitioner raised an allegation of misappropriation of funds of Rs.2,00,000/- by the 2nd defendant a three member committee was appointed as per the decision No.GR 31/25 on 19.1.2025. As per the report dated 22.2.2025 it is understood that the petitioner has raised such an allegation. Based on the said report a show cause was given to the petitioner on 11.3.2025 stating that he should reply within 15.3.2025 before 4 p.m. The petitioner did not raise any allegation regarding the 2nd defendant. The petitioner only enquired about the cash balance and regarding the fact that it has to be remitted in the bank. But the 2nd defendant became furious and shouted at the petitioner stating that the petitioner raised an allegation that the 2nd defendant is a thief. The petitioner did not raise any such allegations. There is also a case against the 2nd defendant a crime No.270/2017 of Kodungallur police station. Upon the finding that reply notice given by the petitioner is insufficient he was suspended from the

committee until next annual general body meeting. The defendants have been continue as President and Secretary of Sarada Samajam for the last 13 years it affected the working of Samajam badly. They are also planing to call a annual general body meeting and to remove him from the post of 'Thanthri' of Kottikkal Bhagavathy Temple owned by Sarada Samajam. It will obstruct the day to day rituals of Kottikkal Bhagavathy Temple. The respopndents and their men are attempting to remove the petitioner from the post of 'Thanthri'. Therefore it is necessary to grant an injunction against these defendants restraining them from forcefully removing the petitioner from the post of the 'Thanthri' or from causing obstruction to the entry of the petitioner into the temple or removing him from the membership of the committee by a temporary prohibitory injunction.

4. **The respondents filed the following objection:-** The petition is filed without any bonafides and all the allegations in the petition are false. The petitioner spread a news that the 2nd respondent Samajam secretary misappropriated Rs.2,00,000/- from Sarada Samajam. Then the executive committee held a meeting and appointed President, Treasurer and executive committee member Asokan to conduct an enquiry regarding the same. These people conducted a detailed enquiry and filed enquiry report stating that the person who raised an allegation against the secretary is the petitioner. Since the executive committee was convinced that the false allegation that the secretary stolen Rs.2,40,000/- from Sree Sarada Samajam they conducted a committee

meeting on 9.3.2025 and as per the decision No.44/25 the committee suspended the petitioner from the committee till the next annual general body meeting. A letter was given to the petitioner from Sree Sarada Samajam that he should inform the committee for not taking any coercive steps against him as per Section 31 of the bye-law of the Samajam. On 6.8.2025 the petitioner gave an answer to the letter and the entire statements in the above reply is bear fruit of truth and lacks bona fides. Thereafter the petitioner filed this suit and IA against the respondents. As per Section 41 (I) of the Specific Relief Act there is a bar for injunction. As per bye-law Section 32 of the bye-law of the Samajam when a member has been suspended from the committee if he has any objection he can file an appeal in front of the general body meeting. After filing the appeal the general body will decide whether the membership of the petitioner shall continue. But without filing the appeal before the annual general body meeting the petitioner has filed this suit and petition. Therefore there is a bar for obtaining an injunction relief u/s 41(i) of the Specific Relief Act . Since the petitioner has alternate efficacious remedy the petitioner ask for a relief he should not be removed from the place of 'Thanthri' by forcefully, illegally or unilaterally. But the petitioner can be removed from the post of the 'Thanthri' only with the decision of the annual general body meeting. This petition is filed stating the personal vengeance towards the secretary and president.

5. Heard counsel for both sides.
6. Point to be considered:-

“ Whether the petition can be allowed?”

7. **The point:-** At the time of filing the suit after hearing the petitioners counsel and relying on the affidavit as well as the documents filed by the petitioner a temporary prohibitory injunction was granted by this court restraining the respondents from removing the petitioner by force illegally and unilaterally or from restricting his entry to Kottikkal Sree Bhagavathy temple until further orders. Thereafter the 2nd respondent filed an affidavit on behalf of himself and on behalf of the 1st respondent stating that unless and until I.A.3/25 is decided the petitioner will not be removed from the post of ‘Thanthri’ or membership of the Sree Sarada Samajam and will not obstruct the entry of the petitioner in Kottikkal Sree Bhagavathy temple owned by Sree Sarada Samajam. Thereafter an annual general body has been conducted on 28.12.2025 and the petitioner has been removed from the post of ‘Thanthri’ as per the majority decision of the annual general body meeting. The respondent had filed an affidavit stating that unless and until I.A.3/25 is heard and disposed off on merits the petitioner will not removed from the post of ‘Thanthri’. But in spite of that he was removed from the post of ‘Thanthri’ by the annual general body meeting. In this case the injunction was granted till 19.9.2025 and thereafter the injunction order is not extended. The respondents also filed an affidavit on 19.9.2025 stating that they will not remove the petitioner from the status of ‘Thanthri’ of Sree Sarada Samajam Kottikkal Sree Bhagavathy temple. Thereafter the case was posted for counter on 29.10.2025.

On that day the suit was called before the CMO and the case was posted for written statement on 9.2.2026. On 20.12.2025 the respondents filed I.A.4/25 for advancing the hearing and I.A.5/25 is filed under Order 26 Rule 9 and Section 151 of CPC for appointing an advocate commissioner.

8. Both the petition were posted to 1.1.2026 on the date of reopening of the court. Thereafter on 1.1.2026 the petitioner filed I.A.1/26, 2/26,3/26 and 4/26. On that day it was informed before this court that the respondents had conducted the annual general body meeting of the Sree Sarada Samajam Reg.No.41/60, Kottikkal Sree Bhagavathy temple, Azhikode , Kodungallur on 28.12.2025 and as per the decision in the general body meeting the petitioner has been removed from the post of the 'Thanthri'. A petition is also filed along with this suit for prosecuting the respondents for violation of the injunction order. But upon perusal of the proceedings it is seen that the injunction was granted in I.A.3/26 was till 19.2.2026 and there is no order passed by this court has extending the injunction after 29.10.2025. Moreover the respondents filed the attendance book of the annual general body meeting and the minutes of annual general body meeting before this court and it is brought before the court that by a majority decision of the annual general body meeting consisting of 279 members opined that the petitioner might expelled from his membership and as per the same the petitioner has been expelled from the membership of the Sree Sarada Samajam. When at the time of hearing of this petition the petitioner has ceased to be the member of the Sree Sarada Samajam since he was expelled

from his membership by annual general body meeting. Therefore no injunction can be granted by this court against the respondents directing that the petitioner shall not be expelled from his membership forcefully, illegally or unilaterally. It is evident that as per the bye-law of the respondents the decision was taken by the majority of the members present in the annual general body meeting conducted as per the bye law. Hence there is no forceful, illegal or unilateral eviction happened in case of petitioner. Therefore the prayer in the petition has become infructuous. Hence this petition stands dismissed.

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: NIL.

Id/-
MUNSIFF.

Copied by: pn
Compared by:

/True Copy/

Junior Superintendent