

**IN THE COURT OF THE MUNSIFF, ATTINGAL  
PRESENT: SMT. SWATHI.R.KRISHNAN, MUNSIFF  
TUESDAY 19<sup>th</sup> MAY, 2026 / 29<sup>th</sup> VAISAKHA, 1948**

**EA.01/26 IN EP.06/2024 IN OS NO.221/2019**

**Claim Petitioner:**

G.Muraleedharan, S/o Govindan, aged 71 years, residing at  
Charuvila Puthen Veedu, Vellalloor P.O.

By Advocate: Sri. K.S.Prakash

**Counter Petitioners:**

1. Sasi, S/o Mathu, Ammu Nivas, Near Kollampuzha Temple, Attingal.
2. Bijukumar, S/o Chellappan, aged 48 years, Lekshmi Vilasom, MNR 58, Avanavanchery P.O, Attingal.
3. Sasikumar, S/o Chellappan, aged 44 years, Sreesailam, PMA, Mananakku, Perumkulam P.O.

By Advocate: Sri.V.K. Sureshkumar

This petition having been finally heard on 19/05/2026 and the court on the same day passed the following:

**ORDER**

2. **The petition averments in brief are as follows:** The claim petitioner is the senior most male member and the present karanavar of Paravanvilakom tharavad. The original suit was filed by the plaintiff/decreed holder to declare him as senior most member and karanavar and the suit was decreed in favour of the decree holder. The claim petitioner and other family members were not made parties to the suit and hence were unaware of the facts of the case. The claim petitioner came to know that appeal against the original suit was also dismissed. There are more than 1500 family members in the family and they were not included as parties in the suit. The Hon'ble High Court of Kerala in A.S.35/2002 found that the temple and its property belongs to paravanvilakathu family and that temple is a private temple.

The claim petitioner herein is the 13<sup>th</sup> respondent in that appeal and the first respondent/decreed holder was the then vice president of Chozhaka Sangadana and was not a party to the suit. The decreed holder has no right over the temple. The decreed was obtained in a fraudulent and collusive manner. This petition is filed to declare the claim petitioner as the senior most male member of the family.

3. **The respondent filed an objection contending as follows:** The petition is not maintainable either under law or on facts. The claim petition has no locus standi to file the petition. The claim petition was not a party to A.S.35/2002 and is not a member of paravanvilakam family. A.S.56/2023 filed before Hon'ble Sub Court, Attingal and RSA 675/2025 before Hon'ble High Court of Kerala both challenging the decreed was dismissed. The claim petition is filed as part of collusion between the judgment debtor and the claim petitioner. The claim petitioner has not produced any supporting documents to prove that he belongs to paravanvilakam tharavad and that he is the karanavar of paravanvilakam tharavad.

4. The points that arose for consideration are:

1. Can the petition be allowed ?
2. Order and costs ?

5. Heard both sides. Perused records.

6. **POINT NO.(1):** This claim petition is filed by the petitioner contending that he is the eldest member of the paravanvilakam family and he was not made a party to the suit. The petitioner contended that he was a party in A.S.35/2002. It was contended that the decreed holder is not the senior most male member of the family.

7. The decree holder objected to the petition contending that it is filed collusively by the petitioner and the judgment debtor. A peculiar aspect to be considered is that no prima facie material was produced by the claim petitioner to show his claim. In the instant case, the decree holder filed this execution petition contending that the judgment debtor violated the decree and obstructed the decree holder in administering the plaint schedule property and the temple. Hence the decree holder sought to attach the property of the judgment debtor for willfully disobeying the decree and also to issue a warrant of arrest for willful disobedience. The claim petition is filed in EP.06/2024 filed by the decree holder for the relief mentioned above. The reliefs stated above are strictly personal against the judgment debtors who according to the decree holder willfully violated the decree.

8. In the instant case, there is no prayer in the execution petition that relates to any independent claim of the claim petitioner. If the contention of the claim petitioner is that the decree holder is not entitled to the decree on the ground that he is not the elder most family member and that the claim petitioner has an independent claim over the same, he is bound to explain the reason as to why he failed to intervene during the period of existence of the suit, first appeal and second appeal. In the claim petition, the claim petitioner stated that he came to know that the appeal was also dismissed. The claim petitioner has not stated the date when he came to know about the same. It is not reasonable to believe that the claim petitioner who alleges to be the senior most male member of the family has no

knowledge about the decree and the appeals. The relevant portion, that is Order XXI Rule 32(1) is as follows:

***‘32. Decree for specific performance for restitution of conjugal rights, or for an injunction. - (1) Where the party against whom a decree for the specific performance of a contract, or for restitution of conjugal rights, or for an injunction, has been passed, has had an opportunity of obeying the decree and has wilfully failed to obey it, the decree may be enforced [in the case of a decree for restitution of conjugal rights by the attachment of his property or, in the case of a decree for the specific performance of a contract, or for an injunction] by his detention in the civil prison, or by the attachment of his property, or by both.’***

9. Another interesting aspect to be considered is that the claim petition is silent as to the provisions relied on by the claim petitioner. Entertaining the claim petition amounts to going beyond the decree, which is impermissible. There is no question of any independent claim over any property in question that can be considered at the stage of execution. The relief sought for in this petition cannot be considered at the stage of execution and is not maintainable at threshold.

10. The claim petitioner is also bound to prima facie explain as to the nature of claim that he advanced. In the instant case, no record was produced by the claim petitioner to prove his prima facie claim. Moreover, the execution petition was filed to initiate prosecution against the judgment debtors and that in no manner adversely affected the claim petitioner. This court is hence of the view that there are no

sufficient reasons to entertain the application since it is unnecessarily delayed and is not maintainable.

11. **POINT NO(2)**: In view of the discussion above, this petition is dismissed.

*Dictated to CA, transcribed and typed by her and pronounced by me in open Court on this day the 19<sup>th</sup> day of May, 2026.*

SWATHI.R.KRISHNAN  
MUNSIFF

**Appendix:-** Nil

MUNSIFF

Typed by: Selsa. S  
Compared by: Lasitha