

**IN THE COURT OF THE DISTRICT MUNSIF,  
ERANIEL.**

Present: **Thiru. A. Maruthupandi, B.Com., B.L.,**  
District Munsif, Eraniel. (F.A.C.)

Monday, the 26<sup>th</sup> day of February 2024.

**I.A.No.02/2024**  
**in**  
**O.S.No.19/2024**

Lekshminarayanan

... Petitioner/ Plaintiff

Vs.

1. Padmanaban Thambi  
2. Sree Kumar  
3. Peramothe  
4. Rajan  
5. Hareesh  
6. Gopinathan Nayar  
7. Venu Gopalan Nayar

.... Respondents / Defendants

This petition is coming before me for final hearing on 26.02.2024 in the presence of Mr.A.Vimalan, learned counsel for the Petitioner/Plaintiff and on perusal of the case records and having stood over for consideration till this day, this court delivered the following.

**ORDER**

This petition is filed under Order 39 Rule 1 & 2 and Section 151 of the Code of Civil Procedure Code to pass an order of an ad-interim injunction restraining the respondents/defendants pending disposal of the suit by staying the illegal proceedings on the notice dated 15.09.2023.

**2. THE AVERMENTS IN THE PETITION IN BRIEF:-**

The Petitioner/plaintiff is a member of "Neyoor Uramman Shestra Trust" and respondents / defendants are administrators of the said Trust. The Petitioner / Plaintiff is not only on 31.08.2023, 07.09.2023, but also before and after till now, the welfare of the villagers in Neyoor Urammancoil Trust Whatsapp Group. He used to send various messages and information for the welfare of Uramman Temple and the welfare of Uramman Temple Trust. In this case, a notice was received from the 4th respondent/4th defendant dated 15.09.2023. In the text message sent by the petitioner/plaintiff on 31.08.2023, with the intention of humiliating the secretary of the trust, he had written about him, his wife and child and asked him to resign. Similarly, on 07.09.2023 it is stated that the petitioner/plaintiff has posted about the work going on in Tirunelveli Auditorium. The Petitioner/Plaintiff has never posted any derogatory post to defame anyone. According to sub-rule 13(3) of the Trust, in case of any unexpected or spontaneous additions, the committee shall submit its full details to the next general body meeting. At present the work in the temple has a receipt of more than Rs.5,00,000/-.

ii) A general assembly was not convened for that no prior approval or administration is required. Further sub-rule 11(g) lays down on the Committee full guarantee in case anything happens to the funds and property of the temple through

negligence or negligent conduct of the Committee. The management headed by the 4<sup>th</sup> respondent/4<sup>th</sup> defendant acting in contravention of the bye-laws shall be fully liable for all the aforesaid losses. 4<sup>th</sup> respondent/4<sup>th</sup> defendant. The misbehavior of the management led by the 4<sup>th</sup> respondent/4<sup>th</sup> defendant is causing huge loss to the temple administration and wasting lakhs of devotees' donations and tax money. The notice dated 15.09.2023 was sent by the management of the trust headed by the 4<sup>th</sup> respondent/4<sup>th</sup> defendant acting in bad faith to take revenge on the petitioner/plaintiff. The petitioner/plaintiff sent a reply through his counsel dated 27.09.2023 citing all the above details. According to sub-rule 13(3) of the Committee, expenditure exceeding Rs 10,000 can be incurred only by resolution of the General Assembly. A case as O.S.No.8/2024 is still pending in Eraniel Court seeking compensation for the petitioner/plaintiff having sent an attorney's notice to the respondents. Respondents have sent a reply stating false information. In this case, it appears that the respondents / defendants are acting in bad faith to expel the petitioner/ plaintiff from the membership of Neyoor Uramman Shetra Trust illegally and fraudulently based on the notice dated 15.09.2023 issued by the 4<sup>th</sup> respondent / 4<sup>th</sup> defendant. Hence, this petition.

### **3. POINTS FOR DETERMINATION:-**

Whether the Petitioner/ plaintiff is entitled to the relief as prayed for or not ?

**4. DISCUSSION AND ANALYSIS:-**

Petitioner/plaintiff's side Heard. Records perused carefully.

i) This petition is filed under order XXXIX, Rule 1 and 2 of Code of Civil Procedure for getting a relief of an ad-interim injunction.

ii) The learned counsel for the Petitioner/Plaintiff argued that the petitioner/plaintiff is a Member of Neyyoor Ooramman Shesthra Trust and he is doing a great job for the welfare of people of said village. While so, the respondents/defendants spent more than 5 lakhs to the temple without getting permission from general body. The Rule 13(3) of by law states that if the Members want to spend a money for more than 10 thousands then they should have got a permission from general body but, now the Respondents/Defendants spent more than 5 lakhs without getting permission and hence the petitioner/plaintiff spread a message through whats app about the said allegation. On seeing the said message the respondents/ defendants sent a show cause notice to the petitioner/plaintiff that they are going to remove the petitioner/plaintiff from the Membership of the said trust. Hence, this petition filed for an ad-interim injunction.

iii) On perusal of document No. 2 and 3 it is found that the petitioner/plaintiff is a member of 'Neyyoor Ooramman Shesthra Trust'. According to rule 13(3) of by

law of said trust if the Member of said trust need to spend more than Ten Thousands then they should get a permission from the General body. But, now, the petitioner/plaintiff says that the respondents / defendants spent more than 5 lakhs, but no permission had been got from the General body and hence, for the said reasons the petitioner/plaintiff post a Message in the whats app, but, against that they issued document No.3. From the discussion made supra it is found that prima facie case is made out and balance of convenience also infavour of petitioner / plaintiff and if an ad-interim injunction is granted no prejudice would be caused to the respondents / defendants, hence this court is inclined to grant a relief of status Quo.

#### **5. DECISION :-**

In the result, status quo is ordered and the same to be maintained till 11.03.2024. Under order XXXIX Rule 3 A of Code of Civil Procedure to be complied with. Call on 11.03.2024.

Written by me, typed by Steno-Typist in her computer, corrected and pronounced by me in open court, on this the 26<sup>th</sup> day of February 2024.

Sd/-A.Maruthupandi,  
District Munsif,  
Eraniel, (FAC)

True copy

**D.M.C. Eraniel.**  
**I.A.No.02/2024**  
**in**  
**O.S.No.19/2024**  
**Fair/Draft order**  
**Dated 26.02.2024.**

