

IN THE COURT OF ADDITIONAL DISTRICT JUDGE-III, THRISSUR

Present:

Sri. Jayakrishnan G.P., Additional District Judge-III, Thrissur

Monday, the 15th day of June, 2026/25th Jaishtha 1948 SE

C.M.A. 109/2022

(I.A.3/2022 in O.S.121/2022 dated 26.10.2022 of Chavakkad Court, Chavakkad)

Appellants/Petitioners:-

1. Sree Ayyappan Vilakku Committee,
Sree Kochanamkulangara Bhagavathy Kshethram,
Iringappuram P.O.,
Chavakkad taluk-680103 rep by
Secretary, Sudhi K.T., aged 45 years,
S/o Thambi, Kulangaraparambil house,
Iringappuram village, desom, P.O.,
Chavakkad taluk-680 103.
2. President, P.R.Shynil kumar, aged 50 years,
S/o Raghavan, Poovathu house,
Iringappuram village, desom, P.O.,
Chavakkad taluk-680 103.

By Adv. M.V.Gopalakrishnan.

Respondents/2 to 4 Respondents:-

1. Kochanamkulangara Bhagavathy Kshethram,
Iringappuram village, desom, P.O., Chavakkad taluk-680103
rep by Present President, Iringappuram village, desom, P.O.,
Chavakkad taluk-680103.
2. Kochanamkulangara Bhagavathy Kshethram,
Iringappuram village and desom, Chavakkad taluk
rep by Present Secretary, Predeep, aged 50 years,
S/o Karumathil Sukumaran, Iringappuram village, desom,
Kottappady P.O.-680103.

3. Predeep K.S., Secretary,
Kochanamkulangara Bhagavathy Kshethram Bharanasamithy,
Iringappuram village, desom, P.O.-680103,
aged 50 years, S/o Karumathil Sukumaran,
Iringappuram village, desom, Kottappady P.O.-680103.

By Advs. K.V. Mohanakrishnan & Krishna Mohan P.

This appeal coming on this day for hearing, the court delivered the following:-

JUDGMENT

The is a civil miscellaneous appeal filed under Order 43 Rule 1 of the Code of Civil Procedure.

2. The appellants are the plaintiffs in OS 121/2022, instituted before the learned Subordinate Judge, Chavakadu. The suit was instituted for permanent prohibitory injunction. The first appellant is the Ayyappan Vilakku Committee of Kochanamkulangara Bhagavathi Kshethram (കൊച്ചാനംകുളങ്ങര ഭഗവതി ക്ഷേത്രം) and second appellant is its president. The respondents are the defendants 2 to 4 before the court below. They are the Kochanamkulangara Bhagavathi Kshethram, represented by the Bharana Samithi President, its Secretary and the former Secretary. The first defendant is the Ooralan (ഊരാളൻ) of the temple. According to the appellants the temple is under the control of Ooralan (ഊരാളൻ). The respondent Bharana Samithi has no legal sanctity. It is not a registered association. The festival and rituals of the temple are decided by the Thanthri (തന്ത്രി) and Ooralan(ഊരാളൻ). However none of them have any right to obstruct the offerings to the temple by a devotee. The first appellant is a registered association. By virtue of the committee decision of the first appellant on 07.07.2022, the appellant took the vow before the diety on 03.09.2022 2022 they will conduct Ayyappan Vilakku at the temple on 26.11.2022. While so they were communicated by the respondents that the Ayyappan Vilakku for the year

2022 at the temple will be conducted by the respondents themselves. By virtue of custom the right to perform Ayyappan Vilakku at the temple is the prerogative of the first appellant. Hence appellants have filed the original suit before the learned Subordinate Judges Court, Chavakkad.

3. Whereas the respondents have contended that the appellants have deliberately omitted the Ooralan from the array of the respondents. In fact Ooralan is a member of the first respondent Kshethra Bharana Samithi. The Bharata Smaithi including the ooralan had taken the decision to perform Ayyappan Vilakku of 2022 at the temple by the Bharana Samithi itself. They have persuaded to reach such decision on account of the financial mismanagement rather fraud committed by the first appellant committee during the previous year. This is known to the appellants much earlier since the decision was evolved in the presence of the second appellant who was a member of the first respondent Bharana Samidhi. The contention that the first appellant has every right to perform Ayyappan Vilakku at the temple as part of custom is incorrect and unsustainable. Hence the respondents have sought for the dismissal of the appeal.

4. Together with the suit, the appellants filed IA 2 of 2023 for temporary prohibitory injunction. However by virtue of order dated 26.10.2022 the learned Subordinate Judge, Chavakkadu has dismissed this IA holding that *“There is no prima facie case of the petitioners. The temple committee is conducting the festival. The petitions can also participate in the same. So no irreparable injury will be caused to the petitioners. The balance of convenience is also not in favour of the petitions. Hence the point are answered against the petitioners. In the result, the petition is dismissed.”*

5. Having been aggrieved by this finding of the court below, the present appeal has filed by the appellants/plaintiffs. According to the appellants the

reasons for the dismissal of the injunction application are perverse. The trial court has failed to find that the registration in favour of the first respondent association is false. The trial court did not even consider the fact that the appellants have accrued customary right to perform Ayyappan Vilakku at this temple. The trial court did not seriously bestow attention to the letters written by the Thanthri and Ooralan of the temple. By urging all these, the appellants have sought to set aside the order of the court below and further to deliver the order of temporary prohibitory injunction.

6. Whereas the respondents have contended that there is nothing to interfere with the order of the court below. The court below has rightly considered the rights of the parties and came to the conclusion that the right to perform Ayyappan Vilakku at the temple is with the first respondent. It is further found that the petitioners can attend the Ayyappan Vilakku as devotees. According to the respondents they have no manner of objection against the petitioners to participate in the Ayyappan Vilakku and other festivals of the temple as devotees. By urging all these the respondents have sought for the dismissal of the appeal and further to maintain the order under challenge.

7. The points arise for consideration are following:

1. Whether the order of the learned Subordinate Judge, Chavakkad in IA 3 / 2022 of OS 121/2022, dated 26.10.2022 is liable to be interfered or modified?
2. Order and costs thereon?

8. Exts A1 to A33, B1 to B17 and C1 documents would form the evidence on record for the purpose of this application.

9. Heard the counsel for the respondents. Despite of giving sufficient opportunities, the learned counsel for appellants have not appeared.

Point No. 1

10. The first appellant is an Ayyappan Vilakku Committee. It is a registered organization. According to the appellants for the last several years they are performing the Ayyappan Vilakku before the diety of Kochanamkulangara Bhagavathi Kshetram. This time also on 03.09.2022, the committee members have vowed that they will perform Vilakku at the temple on 26.09.2022. However the Bharana Samithi of the temple have denied the permission to perform Ayyappan Vilakku at the temple before the diety. It is contended that the first appellant Samithi has the right by custom to perform Ayyappan Vilakku at the temple. Whereas the respondents have contended that other than the Bharana Samithi, nobody else have any right either by custom or otherwise to perform Ayyappan Vilakku before the diety. It is true that in former years the first appellant was given permission to perform Ayyappan Vilakku before the diety. But this time the first respondent has taken the decision not to allow the first appellant to perform the Ayyappan Vilakku on account of the financial mismanagement and fraud committed in previous year. Hence according to the respondents, no order of injunction is sustainable against the duly authorized Bharata Samithi to perform the Ayyappan Vilakku by itself before the diety.

11. Going by the assertions of the rival parties, it is obvious that the appellants have no apprehension with respect to the performance of Ayyappan Vilakku before the diety as earlier. However their contention is that it is their prerogative to perform the Ayyappan viallku and the Kshethra Bharana Smaithi has no right to prevent them. To address this argument the court shall mainly consider Exts B10, B13 and B14 documents. Ext B10 is a resolution passed by the first respondent expressing displeasure over the financial management from the side of the first appellant. Obviously the second appellant was a participant of this meeting. So by virtue of the committee meeting dated 01.08.2022, the

first respondent has resolved to conduct the Ayyappan Vilakku by itself. A copy of the minutes is produced and marked as Ext B13. The decision has reiterated by the respondent on 21.08.2022 and Ext B14 is the minutes of this meeting. The court cannot ignore that Ooralan was a part of the decision evolved by the first respondent on 21.08.2022.

12. So it is crystal clear that there were regular meetings by the first respondent to take over the prerogative of performing Ayyappan Vilakku from the appellants on account of the financial fraud in the previous year. As admitted by both sides, Ooralan was the decision maker of the temple. He was part of the first respondent which took the decision to perform Ayyappan Vilakku by itself on 21.08.2022. This indicates that the decision of the first respondent committee which decided to conduct the Ayyappan Vilakku by itself is legal and correct. There is no case even by the appellants that their religious rights like coming to the temple and delivering offerings to the deity are objected by the respondents. So court finds that there is no prima facie case so as to invoke the discretionary remedy of injunction in favour of the appellants. Going by the rival contentions, this court has satisfied that the balance of convenience is also in favour of the respondents. No irreparable injury will sustain to the appellants by refusing the order of injunction. Therefore there is no merits in this civil miscellaneous appeal. Point answered accordingly.

Point No. 2

13. After having consideration of facts, evidence and the circumstances, this court finds that there is nothing to interfere with or to modify in the order of the learned Subordinate Judge, Chavakkad in IA 3 of 2022 of OS 121 of 2022 dated 26.10.2022. Therefore the appeal filed against this order is devoid of merits.

14. In the result, this civil miscellaneous appeal stands dismissed with the costs of the respondents. Consign the duly indexed records and transmit the same forthwith to the learned Subordinate Judge's court, Chavakkad.

(Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in open court this the 15th day of June, 2026).

sd/-

Jayakrishnan G.P.
Additional District Judge-III, Thrissur.

APPENDIX:- Nil

sd/-

Jayakrishnan G.P.
Additional District Judge-III, Thrissur.

(True copy)

By order,

Copied by :csm
compared by:jcp

Sheristadar

C.M.A.109/2022
Dated:15.06.2026