

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

Friday, the 22nd day of March 2019/1st Chaithra, 1941

IA.1/2019 IN RFA No.473/2008 F

OS No.115/2006 of the I ADDITIONAL SUB COURT, ERNAKULAM

Petitioner/Appellant:

St. Mary's Orthodox Cathedral,
Park Avenue, Ernakulam,
Kochi-11, represented by its
Present Trustee.

Respondents/Respondents:

1. M. Issac, S/o M.K.Matha,
Kadavil House, Panambily Nagar.P.O.
2. His Grace Zachariah Mar Anthonios
Metropolitan of Cochin Diocese,
Zion Seminari, Koratty, Thrissur District.
3. His Holiness Moran Mar Baselius Mar Thoma Didymus-1
Catholicos of the East and Malankara Metropolitan,
Catholicate Aramana, Devalokam, Kottayam-38.
4. Malankara Orthodox Episcopal Synod represented by its
Secretary, the Grace Thomas Mar Athanasios, Metropolitan,
Catholicate, Aramana, Devalokam, Kottayam-38.
5. M.C.Poulose, S/o K.V.Chroman,
Keeramkuzhiyil, Parambithara Road, Panampilly Nagar.P.O.,
Kochi-36.
6. Thomas Varghese, S/o late P.O. Varghese, Panakkamattom
House, House No.28/2305, Chelavannoor, Elamkulam, Kochi-20
7. Sony Job, S/o T.M. Job, Tholath House, L.F.C. Road,
Kaloor, Kochi-17.
8. Rev. Fr. Mathew Core Episcopa, Pulimoottil House,
Kanjiramattom.P.O.
9. K.V.Chacko, Nadavallil House, Kadavanthra, Kochi-20.

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10. A.M. Koshy, S/o M.M.Mullai, residing at Plot No.21, Kumaranasan Nagar, Kochi-20.
11. Joseph George, S/o late M.K. George, Therakavil Mullasseril House, Parambithara cross road, Panampilly Nagar, Kochi-36.
12. Kuruvilla Varughese, S/o K.K. Varghese, 29/1565, Kallopparambil, Vyttila, Kochi-682 019.
13. T.V.George, S/o T.Varghese, Kallopparambil, Vyttila Kochi-682019.
14. P.P.Mathew, S/o P.M.Philipose, Rajbhavan, Jawaharnagar, Kochi.
15. K.K.Jacob, S/o late Kurian Alexander, Kallammakkal, Janatha Road, Lane-14, Vyttila, Kochi-19.
16. Thomas Yohannan, S/o. K.G.Yohannan, Kuttiyil house, Ponnuranni, Vyttila.P.O., Kochi-19.
17. T.G.Mathews, S/o Geevarghese, Naduvampurath, Chelavannur, Kochi.
18. K.M. Varghese, aged 50 years, S/o K.C.Mathew, Kaniyampuzha, Vyttila.
19. M.A.Chерian, S/o M.C.Abraham, Mookancheril, Kochi-16.
20. Thampi Samuel, S/o P.T.Samuel, Kochuparayil, Water Land Road, Kadavanthra, Kochi-20.
21. Zacharia P.John, aged 56 years, S/o Thomas Yohannan, Panampilly Nagar, Ernakulam.
22. T.C.Varghese, S/o K.C.Chacko, Church Square, Elamkulam, Kochi-20.
23. M.C. Issac, S/o Cherian, Bahratyavidya Bhavan Road, Panampilly Nagar.
24. T.C.Solomon, S/o late T.K.Chерian, Thundalathil, F.A.C.Road, Vyttila, Kochi-19.
25. Abraham, P.Simon, S/o late P.Simon, Kochuveettil, C.P. Cross Road, Kadavanthra.
26. Philip Abraham, S/o late A.T.Philip, Ayrooparambil, K.P.Vallon Road, Kadavanthra, Kochi-20.

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27. Itty Jacob, S/o Chacko, Falarikkal, Kochi-20.
28. Daniel C. John, S/o C.D. John, Chalappurath, Maradu.P.O.
29. P.G.James, S/o P.S.George, Jess Villa, Ponnuruni, Kochi-19.
30. K.K.Eappan, S/o Alexander Kurian, Kallammakkal House, Poonithura.P.O., Kochi.
31. K.K.Lukose, S/o late K.L.Kuruvilla, 100, Girinagar.
32. C.V.Sunny, S/o late Varghese, Blossom, Kochi Road, Kadavanthra.
33. Y. Chacko, S/o late Yohannan, Sunil Nivas, Vyttila.
34. Sunny Varghese, S/o Late P.Varghese, Kannadisseril, Elamkulam Road, Kochi-17.
35. M.J. Georgekutty, S/o M.C.John, St.Mary's Clinic, Ernakulam, Kochi-20.
36. K.J. Jacob, S/o K.I.John, 37/1415, Jkoithara, Kaloor-Kadavanthra Road, Kaloor.P.O., Kochi-17.
37. T.A.Varghese, aged 74 years, S/o Alex Kochavira, Plot No.12, MIG GCDA, Panampilly nagar.
38. Mathew Varghese, S/o P.P.Varghese, Panampilly Nagar.
39. K.K.Wilson, S/o late Kochumamon, 28/702, Kadavanthra, K.P. Vallon Road, Kochi-20.
40. George Tharakan T. S/o T.G.Thankachan, Thankan Veedu, Vyttila.P.O., Thykoodam, Kochi-19.
41. T.P.Joseph, S/o late I.Poulose, Thattampurath, Sudarsan Lane, Cochin 20.
42. T.V.Thomas, S/o late. Varkey Varghese, Thykkakath, HIG Avenue, Gandhi Nagar, Kochi-20.
43. Alice Issac W/o M.Issac, Kadavil, G.262, Panampilly Nagar, Kochi-36.
44. George Vallakkalil, S/o John Jacob, Vallakkalil, Vyttila.P.O.
45. C.Jacob Koshy, S/o C.M. Koshy, M/3/85, Indira Nagar, Kadavanthra, Kochi-20.

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46. M.K. Abraham S/o M.K. Pappachan, 10B4, ABM Tower, Kochi-682 020.
47. S.P. Sajo, S/o K. Pappachan, Valiyazhikath Chilavannur Road, Kadavanthra, Kochi.
48. E. Jacob Kurian, S/o E.N. Kurian, Enchakkadu House, 31/752, Vyttila, Kochi-682 019.
49. Sisily John, W/o M.P. John, Mayanamkuzhil House, Vennala, Janatha Road, Kochi.
50. Nash P. Thomas, Pallivathukkal, Kawahar Nagar, Kadavanthra, Kochi-682 020.
51. P.M. Mathew, 27/2328 A, DVM Road, Girinagar, Kochi-20.
52. Jacob E.J., S/o Late Jacob, Anugraha, Elanjikkal Bhavani Vidya Mandir Road, Kadavanthra.P.O., Ernakulam.
53. K.K. Mathew, Elanjhimattom House, Near Gas Plant, Kadavanthra, Kochi.
54. Capt. A.C. George S/o late Perumal Chacko, 28/1330, Kadavanthra, Kochi-682 020.
55. Annamma Koshy Kurian, Thonduparampil House, Irimpanam.P.O., Tripunithura.
56. T.V. Joseph, S/o T.G. Varghese, Thonduparambil House, Karicode Mulanthuruthy.
57. T.V. John, S/o T.G. Varghese, 264, Girinagar, Kadavanthra.P.O., Kochi-682 020.
58. Jacob Ommen, H.B.52, Panampilly Nagar, Thattupurackal, Panampilly Nagar, Kochi-682 036.
59. Mrs. Mariamma Mathew W/o Mathew. P.M., Purackal, B.V.M. Road, Kadavanthra-20.
60. Mammen Koshy, S/o Kunju Koshy Muthalaly, Kallot, Veekshanam Road, Kochi-18.
61. Cheriyan Thomas, S/o late Thomas Cherian, Kallath Apartments, Mathai Manjooran Road, Kochi-18.

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I.A.No.1/2019 IN RFA No.473/2008 F

62. M.G.THANKACHAN, S/O P.T.GEORGE, METTUPURATHU HOUSE, HOUSE NO. 31/989-B, KUNJANBAVA ROAD, VYTILO, KOCHI-19.
63. K.BABY ZACHARIA, S/O K.T. ZACHARIA, KANDISSERIL HOUSE, JUNIOR JANATHA ROAD, VYTILO, KOCHI-19

Application praying that in the circumstances stated in the affidavit filed therewith the High Court be pleased to extend the benefit of Annexure-A order for this year(2019) so as to enable the parishioners of petitioner church to conduct Maundy Thursday Services starting from 9 p.m. on 17.04.2019 and concluded by 2 a.m. on 18.04.2019.

This application coming on for orders upon perusing the application and the affidavit filed in support thereof, and this court's order dated 22.03.2018 in I.A. 321/2018 and upon hearing the arguments of M/S S.VINOD BHAT, LEGITH T.KOTTAKKAL, Advocates for the petitioner and S.SREEKUMAR, Senior Advocate for R1, R3, R4 and R8 Sri S.V.BALAKRISHNA IYER, Senior Advocate along with Sri.M.V.SABU, Advocate for R9 to R59 Sri. GEORGE CHERIAN, Senior Advocate for R60 & R61 and of M/S. C.T.JOSEPH, ROSHIN IPE JOSEPH & JOE POLLAYIL, Advocates for R62, the court passed the following:

(PTO)

A. HARIPRASAD, J.

I.A.No.1 of 2019
in
R.F.A.No.473 of 2008

Dated this the 22nd day of March, 2019

ORDER

Heard the learned counsel for the petitioner and
contesting respondents.

2. The petition is filed seeking following reliefs:

For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble Court may be pleased to extend the benefit of Annexure-A order for this year (2019) so as to enable the parishioners of petitioner church to conduct Maundy Thursday Services starting from 9 p.m. on 17.04.2019 and concluded by 2 a.m. on 18.4.2019.

3. Learned counsel for the petitioner submitted that as in the previous years, an arrangement has to be made in connection with the religious ceremonies to be held on Maundy Thursday services.

4. I have perused the order passed by this Court on 22.3.2018 on I.A.No.321 of 2018 in this appeal wherein similar directions have been issued.


Therefore, having regard to the facts and circumstances and having heard the submissions at the Bar, following reliefs are granted:


The petition is allowed. The petitioner is permitted to conduct Maundy Thursday services starting from 10 pm on 17.4.2019, to be concluded by 2 am on 18.4.2019.

Sd/-
A. HARI PRASAD, JUDGE

/true copy/


25/3/19
ASSISTANT REGISTRAR


23/3/19


23.3.19