

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

THE HONOURABLE MRS. JUSTICE MARY JOSEPH

Tuesday, the 9th day of March 2021/18th Phalgun, 1942

IA.1/2021 IN RFA NO.473/2008

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

ST.MARY'S ORTHODOX CATHEDRAL
PARK AVENUE, ERNAKULAM, KOCHI-682011, REPRESENTED, BY ITS
PRESENT TRUSTEE.

RESPONDENTS/RESPONDENTS

1. M.ISSAC , S/O. M.K.MATHAI,
KADAVIL HOUSE, PANAMPILLY NAGAR P.O.
2. HIS GRACE ZACHARIA MAR ANTHONIOS
METROPOLITAN OF COCHIN DIOCESE, ZION SEMINARI, KORATTY,
THRISSUR DISTRICT.
3. HIS HOLINESS MORAN MAR BASELIUS MAR
THOMA DIDYMUS-I, 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. CHERIAN
KEERAMKUZHIYIL, PARAMBITHARA ROAD, PANAMPILLY NAGAR.P.O,
KOCHI - 36.
6. THOMAS VARGHESE, S/O.LATE P.O.VARGHESE,
PANAKKAMATTOM HOUSE, HOUSE NO.28/2396, CHELAVANNOOR,
ELAMKULAM,, KOCHI-20.
7. SONY JOB, S/O. T.M. JOB, RESIDING AT 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.
10. A.M. KOSHY ,S/O.M.M. MATHAI,
RESIDING AT PLOT NO.21, KUMARASANAN NAGAR, KOCHI - 20.
11. JOSEPH GEORGE,
S/O. LATE M.K. GEORGE, THERAKAVIL MULLASSERIL
HOUSE, PARAMBITHARA CROSS ROAD, PANAMPILLY
NAGAR, KOCHI - 36.
12. KURUVILA VARGHESE,
S/O.K.K. VARGHESE, 29/1565, KALLOOPARAMBIL, VYTTILA,, KOCHI-682
019.
13. T.V. GEORGE, S/O.T. VARGHESE
KALLOOPARAMBIL, VYTTILA, KOCHI - 682 019.
14. P.P. MATHEW, S/O.P.M. PHILIPOSE
RAJ BHAVAN, 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, PONNURUNNI, 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. CHERIAN, S/O.M.C. ABRAHAM, MOOKANCHERIL, KOCHI -16.
20. THAMPI SAMUEL,
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
BHARATIYAVIDYA BHAVAN ROAD, PANAMPILLY NAGAR.
24. T.C. SOLOMON,
S/O.LATE T.K. CHERIAN, THUNDALATHIL, F.A.C ROAD, VYTTILA,, KOCHI
- 19.
25. ABRAHAM P. SIMON, S/O.LATE P. SIMON,
KOCHUVEETIL, C.P CROSS ROAD, KADAVANTHRA.
26. PHILIP ABRAHAM,
S/O. LATE A.T. PHILIP, AYROOPARAMBIL,, K.P. VALLON ROAD,
KADAVANTHRA, KOCHI- 20.
27. ITTY JACOB,
S/O. CHACKO, KALARIKKAL,, 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,, PONNURUNNI, 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 KURUVILA, 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, ELAMKULAM, 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, THYKODAM,
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 VALLAKALIL,
S/O.JOHN JACOB, VALLAKALIL, VYTTILA P.O.
45. C. JACOB KOSHY, S/O.C.M. KOSHY
M/3/85, INDIRA NAGAR,, KADAVANTHRA, KOCHI- 20.
46. M.K. ABRAHAM, S/O.M.M. KOSHY
10B4, ABM TOWER, KOCHI-682020.
47. S.P. SAJO, S/O.K.P. PAPPACHAN
VALIYAZHIKATH, CHILAVANNUR ROAD, KADAVANTHRA, KOCHI
48. E. JACOB KURIAN, S/O.E.N. KURIAN
ENCHAKKADU HOUSE, 31/752, VYTTILA, KOCHI-682019.
49. SISILY JOHN , W/O. M.P. JOHN

MAYANAMKUZHIL HOUSE, VENNALA, JANATHA ROAD, KOCHI

50. NASH P. THOMAS, S/O. THOMAS
PALLIVATHUKKAL, JAWAHAR NAGAR, KADAVANTHRA,
KOCHI-682020.
51. P.M. MATHEW,
2/2328-A, BVM ROAD, GIRI NAGAR,, 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-682020.
55. ANNAMMA KOSHY KURIAN ,
THONDUPARAMBIL HOUSE, IRIMPANAM.P.O, TRIPUNITHURA.
56. T.V. JOSEPH, S/O.T.G. VARGHESE
THONDUPRAMBIL 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-682036.,
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. CHERIAN THOMAS,
S/O. LATE THOMAS CHERIAN, KALLATH APARTMENTS, MATHAI
MANJOORAN ROAD, KOCHI- 18.
62. M.G.THANKACHAN. S/O.P.T.GEORGE, METTUPURATHU
HOUSE, HOUSE NO.31/989-B, KUNJANBAVA ROAD,
VYTTILA, KOCHI-19.

63. K.BABY ZACHARIA, S/O.K.I. ZACHARIA, KANDISSERIL HOUSE,
JUNIOR JANATHA ROAD, VYTTILA , KOZHI-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 (2021) so as to enable the parishioners of petitioner Church to conduct Maundy Thursday services starting from 9 p.m. on 31.03.2021 and concluded by 2.a.m. on 01.04.2021 in St.Gregorius Chapel/Church , Elamkulam.

This application coming on for orders upon perusing the application and the affidavit filed in support thereof, and this court's order dated 22/03/2019 in I.A.No.1/2019 and upon hearing the arguments of M/S S.VINOD BHAT, LEGITH T.KOTTAKKAL, Advocates for the petitioner and of SRI. S.SREEKUMAR (Senior)Advocate for R1 3, 4, & 8, S.V.BALAKRISHNA IYER (SENIOR), M.V.SABU, Advocates for the R9 to 59, SRI. GEORGE CHERIAN (SENIOR), Advocate for R60 & R61, M/S.C.T.JOSEPH, ROSHIN IPE JOSEPH AND JOE POLLAYIL Advocates for R62, the court passed the following:

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p.t.o

MARY JOSEPH, J

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I.A.No. 1 of 2021

in

R.F.A.No.473 of 2008

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Dated this the 9th day of March, 2021

For information purpose only

ORDER

This is an application seeking to extend the benefit of Annexure-A order for this year (2021) also so as to enable the parishioners of petitioner church to conduct Maundy Thursday Services starting from 9:00 p.m. on 31.03.2021 and concluding by 2:00 a.m. on 01.04.2021 in St.Gregorius Chapel/Church, Elamkulam.

2. It is stated in the affidavit filed in support of the application that there was an interim arrangement regarding the services during Passion Week, entered into between the parties under the auspices of the District Collector, Ernakulam evidenced by Ext.B10 produced in the suit. Clause 6 thereof *inter alia* states that one service will be held on Palm Sunday (Oasana), two services on Maundy Thursday, one service on Good Friday, one service on Holy Saturday and one service on Easter Sunday. It is further provided in the interim arrangement that services on Good Friday would be conducted by Elamkulam faction and the

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services on Holy Saturday would be conducted by the St.Mary's faction. It is further provided in the agreement that services on Maundy Thursday and the intervening Wednesday would be conducted by St.Mary's faction at the St.Gregorious Chapel and the services on the morning of the Maundy Thursday, by the Elamkulam faction.

3. By common order passed by this Hon'ble Court in F.A.O.No.114/2007 and connected cases on 04.04.2007 the interim arrangement was approved at the time of final disposal of the appeals as per judgment dated 18.08.2007. The interim arrangement was further directed to be continued at the time of admission of the regular First Appeal against the final judgment. Orders have been passed by this Court successively in Interlocutory Applications by making arrangements in connection with the religious ceremonies to be held on Maundy Thursday. Annexure-A is one such order produced alongwith the application.

It appears to this Court that this year also Services have to be performed on Maundy Thursday in accordance

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with the rituals prevalent in the community. In the above circumstances, Interlocutory Application stands allowed and the petitioner is permitted to conduct Maundy Thursday Services starting from 9.00 p.m. on 31.03.2021 and concluding by 2:00 a.m. on 01.04.2021.

MJL



sd/-
MARY JOSEPH
JUDGE

/true copy/

Sd/- ASSISTANT REGISTRAR