

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 3492 OF 2008

MANHERIKANDY DAMODARAN

Appellant (s)

VERSUS

KOOVEN VIJAYAN & ORS.

Respondent(s)

WITH

Special Leave Petition (Civil) NO. 2749 of 2011

O R D E R

By order dated February 7, 2011, the matters were referred to Mr. Justice K.T. Thomas (Former Judge of this Court) for resolving the disputes between the parties through mediation. In response thereto, the parties appeared before Mr. Justice K.T. Thomas (Retd.).

2. Mr. Justice K.T. Thomas (Retd.) has now sent a report dated December 8, 2011 to this Court indicating the terms of settlement between the parties.

3. The terms, on which both sides agreed, read as follows :-

1) There shall be a Committee for the administration of the suit temple consisting of 21 persons drawn from the following categories.

i) The senior most male person from the Oorala Maheswaran Tharvadu.

ii) The senior most male person from the Oorala Koovan Tharavadu.

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iii) The senior most male from Oorala Karakathuvalappil Tharvadu.

(The above three Oorala Tharavads are contemplated in Ext. A1 Nischayarekha)

iv) The representatives elected from among the 32 Oorala Tharavadu mentioned in Ext. A1 Nischayarekha.

v) fifteen persons elected from among the senior persons nominated by families who are the subscribed members of the temple. A list of such family has been

prepared and approved by both sides in which the senior most member of each family is shown for denoting each family.

2) The President of the Committee shall be selected/elected through secret ballot by the aforesaid Committee of 21 persons.

3) If one of the first 3 persons (mentioned as i to iii under category (i) above) does not become the elected President, then the General Secretary of the Committee shall be elected by the aforesaid 21 persons from among the aforesaid 3 persons. It is made clear that in case one of the said 3 persons happens to be elected as President, then the General Secretary shall be from the others, other than the said 3 persons.

4) "Regulations" have been prepared under the title "Niyamavali" and approved by both sides for governing the details of the election of the Committee and other office bearers, the governance of the temple and other matters. (a copy of the said "Niyamavali" is appended with this Report)

5) All the movables, cash and jewelry and the accounts including the keys of the temple shall be surrendered by the Respondent (Manjerikandy Damodaran and Mukundan S/o Kunjikutty) who were present in all the discussions before the Mediator. Mukundan has agreed to entrust the above articles to Majerikandy Damodaran who shall produce them before the Execution Court (Sub Court, Tellicherry) within 30 days of the date of disposal of the

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appeal by the Supreme Court. It is open to the Sub Court, Tellicherry to entrust all those articles, jewelry, cash and keys to Maheswaran Venugopalan on behalf of the Administrative Committee envisaged in the Regulations.

4. We are happy to note that through the efforts of Mr. Justice K.T. Thomas (Retd.), who was appointed as mediator by this Court, the disputes between the parties have been amicably settled.

5. Civil Appeal and Special Leave Petition stand disposed of in terms of the settlement noted above. No order as to costs.

.....J.
(R.M. LODHA)

NEW DELHI;
JANUARY 20, 2012

.....J.
(H.L. GOKHALE)

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S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 3492 OF 2008

MANHERIKANDY DAMODARAN

Appellant (s)

VERSUS

KOOVEN VIJAYAN & ORS.

Respondent(s)

(With appln(s) for appointment of English Translator and office report
for direction)

WITH SLP(C) NO. 2749 of 2011

(With prayer for interim relief and office report)

[ONLY OFFICE REPORTS FOR DIRECTION IN C.A. NO. 3492 OF 2008 ALONG
WITH SLP (C) No. 2749/2011 ARE LISTED]

Date: 20/01/2012 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA

HON'BLE MR. JUSTICE H.L. GOKHALE

For Appellant(s)

Mr. K. Rajeev, Adv.

For Respondent(s)

Mr. A. Raghunath, Adv.

UPON hearing counsel the Court made the following

O R D E R

Civil Appeal and Special Leave Petition are

disposed of in terms of the signed order with no order

as to costs.

(Rajesh Dham)
Court Master

(Renu Diwan)
Court Master

(signed order is placed on the file)