

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

MONDAY, THE 10TH DAY OF AUGUST 2015/19TH SRAVANA, 1937

CRP.No. 531 of 2014 ()

CMA 91/2013 of I ADDL.DISTRICT JUDGE, THRISSUR .

PETITIONER/RESPONDENT/PETITIONER/PLAINTIFF:

AVITTATHUR SIVA KSHETHRA SAMITHY,
REPRESENTED BY ITS PRESIDENT P.RAVINDRANATHAN,
AGED 62 YEARS, S/O. T.SANKUNNY NAIR, PONNATH HOUSE,
P.O.AVITTATHUR, (VIA) KALETTUMKARA, THRISSUR - 680 683.

BY ADVS.SRI.K.RAMAKUMAR (SR.)
SRI.T.RAMPRASAD UNNI
SRI.S.M.PRASANTH
SMT.ASHA BABU
SMT.AMMU CHARLES
SRI.G.RENJITH

RESPONDENTS/APPELLANTS/RESPONDENTS/DEFENDANTS :

1. SELVARAJ,
S/O. PERUMPARAMBIL KARAPPAN,
PUDUKKAD VADAKKE THORAVU DESOM, THORAVU VILLAGE,
MUKUNDAPURAM TALUK, THRISSUR DISTRICT - 680 301.
2. PADMANABHAN NAIR,
S/O. THEKOOT GOVINDAN NAIR,
PUDUKKAD VADAKKE THORAVU DESOM, THORAVU VILLAGE,
MUKUNDAPURAM TALUK, THRISSUR DISTRICT - 680 301.
3. THILAKAN,
PANIKKAVEETIL HOUSE, PUDUKKAD VADAKKE THORAVU DESOM,
THORAVU VILLAGE, MUKUNDAPURAM TALUK,
THRISSUR DISTRICT - 680 301.

R1 BY ADVS. SRI.K.G..BALASUBRAMANIAN (CAVEATOR)
SRI.K.G.BALASUBRAMANIAN

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 10-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

SUNIL THOMAS, J.

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C.R.P.No.531 of 2014

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Dated this the 10th day of August, 2015

ORDER

The revision petitioner assails the judgment in C.M.A. 91/2013 dated 21.07.2014, by which the lower appellate court directed the parties to maintain status quo with respect to the properties, with certain restrictions regarding the enjoyment of the disputed property.

2. A Kshektra Samithi represented by its president, instituted the suit before the trial court, seeking an order of temporary injunction pending the suit, when the respondents allegedly attempted to trespass into the petition schedule property and commit acts affecting the rights of the petitioners. The court below, after consideration of the available inputs granted an order of injunction restraining the respondents from trespassing into the petition schedule property and committing any acts of waste thereon and from interfering with the peaceful

possession and enjoyment of the property pending the suit.

3. This was carried in an appeal by the respondents/defendants. The lower appellate court on the basis of commission report and the related materials , allowed the appeal in part and the interim injunction granted by the lower court was set aside. It was further directed that the parties shall maintain status quo, but with certain restrictions regarding putting of any structure. However the right of the Hindus to conduct prayers or that of worship or the poojari to conduct poojas before the Deity were permitted to be continue. This is challenged in this appeal.

4. Heard the learned Senior Counsel for the revision petitioners and the learned counsel for the respondents.

5. The question whether the respondents/defendants have any right on the property,

and incidents thereto are the subject matter of trial . Exts.A1to A3 prove the tittle of the plaintiffs over the property. Commission report prima facie indicate that a structure was available at that point of time and some poojas were being carried on. The judgment was passed by the court on 21.07.2014 which has been continuing, till now, without any stay being granted by this court.

6. The learned Senior counsel contended that the appellate court though set aside the interim injunction granted by the trial court, directed the parties to maintain status quo, which taken together, were contradictory to each other. However the relief that has been granted has been continuing for some time. It is in the interest of both sides that a status quo is maintained, to enable parties to get the disputes adjudicated in a peaceful atmosphere. At the same time, interest of plaintiffs to claim possession and ownership over the

petition schedule property will have to be preserved. The court below is to be directed to complete the trial at the earliest possible time, from today. Hence the appeal is disposed of with the following directions:

1. Interim injunction restraining the respondents herein from trespassing into the scheduled property or committing acts of waste or interfering with a peaceful possession and enjoyment of the property till the dismissal of the suit granted by the trial court is restored. However this will not restrict the right of Hindus to conduct prayers, worship or the poojari conduct pooja before the deity in the petition schedule property.

2. Both the parties are not

allowed to put up any structure or to conduct festivals in the petition schedule property without getting orders from the lower court.

3. The court below shall try to dispose the suit at the earliest, at any rate, within a time limit of 6 months from the date of receipt of copy of this order.

Sd/-
SUNIL THOMAS, JUDGE

skr

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PA to Judge