

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 11TH DAY OF AUGUST 2015/20TH SRAVANA, 1937

CRP.No. 687 of 2014 ()

**AGAINST THE JUDGMENT DATED 29-09-2015 IN ADDITIONAL ISSUE NO.I IN
O.S.NO.129 OF 2013 ON THE FILE OF THE COURT OF THE SUB JUDGE,
CHAVAKKAD**

REVISION PETITIONER(S)/1ST DEFENDANT:

**GURUVAYUR DEVASWOM MANAGING COMMITTEE
GURUVAYUR DEVASWOM OFFICE, GURUVAYUR
REPRESENTED BY ADMINISTRATOR/SECRETARY
GURUVAYUR DEVASWOM OFFICE, GURUVAYUR.**

BY ADV. SRI.P.GOPAL

RESPONDENT(S)/PLAINTIFF, DEFENDANTS 2 TO 5:

- 1. T.V.SHAJESH
PWD CONTRACTOR, S/O.THOTTIVALAPPIL VEETIL T.V.UNNI
KALADI DESAM, MALAPPURAM DISTRICT. 679 582.**
- 2. DEPUTY CHIEF ENGINEER
GURUVAYUR DEVASWOM OFFICE, GURUVAYUR. 680 101.**
- 3. ASSISTANT EXECUTIVE ENGINEER
GURUVAYUR DEVASWOM OFFICE, GURUVAYUR. 680 101.**
- 4. EXECUTVE ENGINEER
GURUVAYUR DEVASWOM OFFICE, GURUVAYUR. 680 101.**
- 5. ASSISTANT ENGINEER
GURUVAYUR DEVASWOM OFFICE, GURUVAYUR. 680 101.**

**R1 BY ADV. SRI.T.M.CHANDRAN
R1 BY ADV. SRI.S.SUJITH**

**THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON
11-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

R.AV

B. KEMAL PASHA, J.

.....
C.R.P. No.687 of 2014
.....

Dated this the 11th day of August, 2015

ORDER

~ ~ ~ ~ ~

O.S.No.129/2013 of the court below is filed by a contractor, who was engaged in construction works based on an agreement entered into with the Guruvayur Devaswom. According to him, he has completed 80% of the works. By then, there was interference from the Engineer attached to the Guruvayur Devaswom and ultimately, the contractor was forced to leave the work. He claimed the remuneration for the works done by him.

2. Even though mediations were held, such mediations were failed and consequently, the contractor was forced to file the suit. In the written statement, the Guruvayur Devaswom has contended that the matters in controversy ought to have been settled by the Munsiff's Court, Chavakkad. Thereafter, an argument was taken up

that, on the basis of Section 2(d) of the Guruvayur Devaswom Act, 1978, the suit has to be filed before the District Court, Thrissur and not before any other courts. It was contended that the court below has no jurisdiction to entertain the suit and the suit before the court below is not maintainable.

3. The court below has found that the suit is perfectly maintainable before the court below. It is the said order which is under challenge.

4. Heard learned counsel for the petitioner and learned counsel for the 1st respondent.

5. Learned counsel for the petitioner has argued that the matter is one squarely falling within the purview of the Guruvayur Devaswom Act, 1978 and, therefore, the suit ought to have been filed before the District Court, Thrissur and not before any other courts. The learned counsel for the 1st respondent has pointed out that this is a matter falling within the purview of the Guruvayur Devaswom Act, 1978

and therefore, the suit has to be filed based on the General Law of the land.

6. On going through the aims and objectives of the Guruvayur Devaswom Act, 1978, as discernible from the preamble, the said Act has been brought out for the administration, control and management of the temple and its properties. For the said purpose, Guruvayur Devaswom Managing Committee is also formed under Section 3 of the said Act. On going through the scheme of the Act, it seems that the Act covers only matters, which are falling within the purview of the said Act relating to the administration, control and management of the temple and its properties. At any stretch of imagination, the Act does not bar a civil suit or the jurisdiction of the civil court in matters like the present one.

7. This is a matter which has arisen from the breach of a contract between a third party and the Guruvayur Devaswom. It is on account of the breach that the loss has been claimed. In such case, it cannot be said that the

Guruvayur Devaswom Act, 1978 is applicable. There is absolutely no illegality, irregularity and impropriety in the impugned order passed by the court below and this CRP is devoid of merits and it is only to be dismissed, and I do so.

In the result, this C.R.P. is dismissed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/11/08

// True Copy //

PA to Judge