

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

FAO.No. 57 of 2015 ()

I.A.330/15 IN OS 5/2014 of III ADDL. DISTRICT COURT, THRISSUR
APPELLANT(S)/PETITIONER/PLAINTIFF:

A.M.PARAMESWARAN NAMBOOTHIRIPAD,
AGED 45 YEARS, S/O.NARAYANAN NAMBOOTHIRIPAD
ANDALADI MANA, MARUTHOOR P.O., PATTAMBI
PALAKKAD DISTRICT-679 306.

BY ADVS.SRI.P.B.SAHASRANAMAN
SRI.T.S.HARIKUMAR
SRI.K.JAGADEESH
SRI.RAAJESH S.SUBRAHMANIAN

RESPONDENT(S)/RESPONDENTS/DEFENDANTS:

1. GURUVAYUR DEVASWOM COMMITTEE
REPRESENTED BY ITS CHAIRMAN, GURUVAYUR DEVASWOM
GURUVAYUR, THRISSUR DISTRICT-680101.
2. ADMINISTRATOR
GURUVAYUR DEVASWOM, GURUVAYUR
THRISSUR DISTRICT-680101.
3. GURUVAYUR DEVASWOM THANTHRI
GURUVAYUR DEVASWOM OFFICE, GURUVAYUR
THRISSUR DISTRICT-680101.
4. SRI.VASUDEVAN NAMBOOTHIRI, AGED 51 YEARS,
S/O.KAKKAT MANAKKAL VASUDEVAN NAMBOOTHIRI
KODUMUDI DESOM, VALIYAKUNNU, TIRUR TALUK
MALAPPURAM DISTRICT NOW RESIDING AT PULAMANTHOLE AMSOM AND DESOM
PERINTHALMANNA, PULAMANTHOLE P.O.
MALAPPURAM DISTRICT-693682.

BY ADV.SRI.P.GOPAL
ADV.SRI.K.ARMACHANDRAN
ADV.SRI.M.P.ASHOK KUMAR.

THIS FIRST APPEAL FROM ORDERS HAVING COME UP FOR ADMISSION ON 23-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.B.SURESH KUMAR, J.

F.A.O. No.57 of 2015

Dated 23rd March, 2015.

J U D G M E N T

The order on I.A.No.330 of 2015 in O.S.No.5 of 2014 on the file of the III Additional District Court, Thrissur is under challenge in this appeal. The plaintiff in the suit is the appellant.

2. O.S.No.5 of 2014 is a suit filed by the appellant for a declaration that non-inclusion of persons possessing 'Abijathyam' for selection to the post of Melsanthi in the Guruvayur Sree Krishna Temple is arbitrary and illegal. A mandatory injunction directing the Guruvayur Devaswom to include persons possessing 'Abijathyam' for selection to the post of Melsanthi is also claimed in the suit. The suit was originally filed before the Munsiff Court, Chavakkad as O.S.No.897 of 2013 and later it was re-presented before the District Court, Thrissur. Along with the suit, the plaintiff filed an application as I.A.No.330 of 2015 for an order of temporary injunction directing the Guruvayur Devaswom to consider the

plaintiff for appointment as Melsanthi in the Temple, pending disposal of the suit and the court below dismissed the said application as per the order impugned in this appeal.

3. Heard Adv.P.B.Sahasranaman for the appellant and Advs.P.Gopal, K.Ramachandran and M.P.Ashok Kumar for the respondents.

4. In the nature of the relief sought for in the suit, I do not think that an interim injunction in the nature sought for by the plaintiff can be granted. The challenge against the impugned order, in the circumstances, is not sustainable.

5. However, with a view to issue appropriate directions to expedite the disposal of the suit, I have directed the Registry to ascertain from the court below as to the time frame within which the suit can be disposed of. In the remarks forwarded by the court below pursuant to the said order, it is reported that the defendants have not filed their written statements in the suit. The learned counsel appearing for the respondents pointed out that the written statements have already been filed by the contesting defendants while the suit was pending before

the Munsiff Court, Chavakkad itself. In the aforesaid circumstances, this being a suit instituted in the year 2013, I deem it appropriate to direct the court below to dispose of the suit.

In the result, the appeal is disposed of with a direction to the III Additional District Court, Thrissur to dispose of the suit O.S.No.5 of 2014 as expeditiously as possible, at any rate, before 30.6.2015.

Sd/-

P.B.SURESH KUMAR, JUDGE.

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(true copy)