

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE SUNIL THOMAS

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 1937

FAO.No. 72 of 2013 ()

(AGAINST ORDER DATED 31.12.2012 IN I.A.NO.10250/2012 IN
O.S.NO.1559/2012 OF THE COURT OF PRINCIPAL SUB JUDGE,
THRISSUR.)

APPELLANT(S)/PETITIONERS/PLAINTIFFS:

1. BALARAMAN, AGED 56 YEARS,
S/O.KAMALAVATHI NESSIAR,
PANANGATTU BLAHAYIL VEEDU,
VALAPPAD DESOM VILLAGE, CHAVAKKAD TALUK,
REP. BY POWER OF ATTORNEY HOLDER MOHANAN,
AGED 49, S/O.KAMALAVATHI NESSIAR
PAZHANCHERY PANANGATTU BLAHAYIL VEEDU,
VALAPPAD DESOM VILLAGE, CHAVAKKAD TALUK.
2. MOHANAN, AGED 49, S/O.KAMALAVATHI NESSIAR,
PAZHANCHERY PANANGATTU BLAHAYIL VEEDU,
VALAPPAD DESOM VILLAGE, CHAVAKKAD TALUK.
3. HARIPRASAD, AGED 48, KAMALAVATHI NESSIAR,
PAZHANCHERY PANANGATTU BLAHAYIL VEEDU
VALAPPAD DESOM VILLAGE, CHAVAKKAD TALUK.
4. PAZHANCHERY PANANGATU BLAHAYIL MEL THRIKOVIL
SIVA TEMPLE, REP. BY MOHANAN, AGED 49,
S/O.KAMALAVATHI NESSIAR,
PAZHANCHERY PANANGATTU BLAHAYIL VEEDU,
VALAPPAD DESOM VILLAGE, CHAVAKAD TALUK.

BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SMT.PREETHY KARUNAKARAN

RESPONDENT(S)/RESPONDENT/DEFENDANT:

MEL THRIKOVIL SIVA TEMPLE
REG.NO.228/95
REP. BY SIVA TEMPLE KHEMA SAMITHY, SECRETARY,
THRIPRAYA DESOM, NATTIKA VILLAGE, VALAPPAD,
CHAVAKKAD TALUK - 680 001.

BY ADV. SRI.P.RAMACHANDRAN

THIS FIRST APPEAL FROM ORDERS HAVING BEEN FINALLY
HEARD ON 06-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN &
SUNIL THOMAS, JJ.

.....
FAO No.72 of 2013
.....

Dated this the 6th day of July, 2015.

J U D G M E N T

Thottathil B.Radhakrishnan, J.

1.This appeal is against an order by which the court below refused to grant an order of temporary injunction pending a suit for declaration and injunction in relation to immovable property.

2.Heard.

3.It is pointed out by the learned counsel on either side that from 01.03.2013 onwards, there is an interim order of injunction in force against the respondent through I.A.No.348 of 2013 in this appeal. Later, that interim order was extended until further orders and it was clarified that the trial court need not wait for further proceeding with the suit.

With the passage of time, it is stated that the suit is listed for trial

and has been transferred from one court to another court on account of reconstitution of jurisdiction. Recording the submission, it is ordered that the status quo obtained as per order dated 01.03.2013 on I.A.No.348 of 2013 will continue to govern the parties till the disposal of the suit from which this matter arises. This course will pave way for an early disposal of the suit. Either party may place a copy of this judgment before the court below. This appeal is ordered accordingly.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(SUNIL THOMAS, JUDGE)