

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

OP(C).No. 830 of 2015 (O)

**IA.NO.694/2015 IN OS.NO.10/2011 OF 1ST ADDITIONAL DISTRICT COURT,
ERNAKULAM, DATED 18/3/2015**

PETITIONER(S):

1. ST.JOHN'S JACOBITE SYRIAN CHURCH,
NJARAKADU, KADAVOOR VILLAGE, KOTHAMANGALAM TALUK,
REP.BY ITS VICAR FR.JOSE VETTIKUZHI.
2. FR.JOSE VETTIKUZHI, S/O.KORA ABRAHAM, AGED 43 YEARS, VICAR,
ST.JOHN'S JACOBITE CHURCH, NJARAKADU, KADAVOOR VILLAGE,
KOTHAMANGALM TALUK, ERNAKULAM DISTRICT.
3. A.N.ALIAS, S/O.AVATHA,
NEDIYALIMOLEYIL HOUSE, TRUSTEE,
ST.JOHN'S JACOBITE SYRIAN CHURCH, NJARAKAD,
KADAVOOR VILLAGE, KOTHAMANGALM TALUK,
ERNAKULAM DISTRICT.
4. JOY JOSEPH, S/O.JOSEPH, PLATHOTTATHIL HOUSE,
MANAGING COMMITTEE MEMBER,
ST.JOHN'S JACOBITE SYRIAN CHURCH, NJARAKAD,
KADAVOOR VILLAGE, KOTHAMANGALAM TALUK, ERNAKULAM.

**BY ADVS.SRI.S.SREEKUMAR (SR.)
SRI.P.MARTIN JOSE
SRI.P.PRIJITH
SRI.THOMAS P.KURUVILLA
SRI.S.VAIDYANATHAN**

RESPONDENT(S):

1. P.S.MATHAI, S/O.LATE SKARIA,
PURAPPANATTU HOUSE, NJARAKKADU KARA,
KADAVOOR VILLAGE, KOTHAMANGALM TALUK,
ERNAKULAM DISTRICT, PIN-686671.

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2. SUNNY T. CHACKO, S/O.CHACKO,
THAYIKKATTU HOUSE, NJARAKKADU KARA, KADAVOOR VILLAGE,
KOTHAMANGALM TALUK, ERNKULAM DISTRICT, PIN-686671.
3. GEORGE ABRAHAM, S/O.ABRAHAM, KALLIDUMBIL HOUSE,
NJARAKKADU KARA, KADAVOOR VILLAGE, KOTHAMANGALM TALUK,
ERNAKULAM DISTRICT, PIN-686671.
4. BINO VARKEY, S/O. VARKICHAN, MANTHIKUDIYIL HOUSE,
NJARAKKADU KARA, KADAVOOR VILLAGE, KOTHAMANGALM TALUK,
ERNAKULAM DISTRICT, PIN-686671.
5. K.M.KURIAKOSE, S/O.MATHEW, MANAGING COMMITTEE MEMBER,
ST.JON'S JACOBITE SYRIAN CHURCH, NJARAKKADU,
KADAVOOR VILLAGE, KOTHAMAANGALAM TALUK, ERNAKULAM,
PIN-686671.
6. N.A.JAMES, S/O.ABRAHAM. M, NEDIYALIMOLEYIL HOUSE,
MANAGING COMMITTEE MEMBER.
ST.JOHN'S JACOBITE SYRIAN CHURCH, NJRAKKADU,
KADAVOOR VILLAGE, KOTHAMANGALM TALUK,
ERNAKULAM DISTRICT.
7. PAUL C.VARGHESE, S/O. VARKEY,
CHAMBAKASSERIL HOUSE, MANAGING COMMITTEE MEMBER,
ST.JOHN'S JACOBITE SYRIAN CHURCH, NJARAKKADU,
KADAVOOR VILLAGE, KOTHAMANGALM TALUK,
ERNAKULAM DISTRICT, PIN-686671.
8. M.M.VARCKICHAN, S/O.MATHAI, MANTHIKUDIYIL HOUSE,
MANAGING COMMITTEE MEMBER,
ST.JOHN'S JACOBITE SYRIAN CHURCH,
NJRAKKADU, KADAVOOR VILLAGE, KOTHAMANGALM TALUK,
ERNAKULAM DISTRICT, PIN-686671.
9. T.C.SKARIA, S/O.CHACKO, MANAGING COMMITTEE MEMBER,
ST.JOHN'S JACOBITE SYRIAN CHURCH , NJARAKKADU,
RESIDING AT THAYIKKATTU HOUSE, VANNAPPURAM KARA,
VANNAPPURAM VILLAGE, THODUPUZHA, PIN-685582
10. K.K.BABU, S/O.KURIAKOSE,
MANAGING COMMITTEE MEMBER,
ST.JOHN'S JACOBITE SYRIAN CHURCH, NJARAKKADU,
RESIDING AT KALIMATTATHIL HOUSE, NJARAKKADU KARA,
KADAVOOR VILLAGE, KOTHAMANGALAM TALUK, PIN-686671.

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11. K.T.ELDHOSE @ RAJU,
S/O.THOMAS, MANAGING COMMITTE MEMBER
ST.JOHNS JACOBITE SYRIAN CHURCH, NJARAKKADU,
RESIDING AT KALLIDUMBIL HOUSE, VANNAPPURAM KARA,
VANNAPPURAM VILLAGE, THODUPUZHA TALUK, PIN-685582.

12. VARGHESE KURIAN, S/O.KURIAN,
MADAPPARAMBIL HOUSE, MANAGING COMMITTE MEMBER,
ST.JOHN'S JACOBITE SYHRIAN CHURCH, NJARAKAD,
KADAVOOR VILLAGE, KOTHAMANGALAM TALUK,
ERNAKULAM DISTRICT , PIN-686671.

R1-R4 BY ADV. SRI.K.J.KURIACHAN

THIS OP (CIVIL) HAVING BEEN FINALLY HEARD ON 13-07-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF PLAINT IN O.S.NO.10 OF 2011 FILED BEFORE THE DISTRICT COURT, ERNAKULAM.
- EXT.P2: TRUE COPY OF WRITTEN STATEMENT FILED BY THE DEFENDANTS 1 TO 4, 6 AND 9 IN O.S.NO.10 OF 2011 BEFORE THE DISTRICT COURT, ERNAKULAM.
- EXT.P3: TRUE COPY OF I.A.NO.1441 OF 2014 IN O.S.NO.10 OF 2011 FILED BY THE RESPONDENTS 1 TO 4/PLAINTIFFS BEFORE THE DISTRICT COURT, ERNAKULAM.
- EXT.P4: TRUE COPY OF INTERIM ORDER DATED 01/04/2014 IN I.A.NO.1441/2014 IN O.S.NO.10/2011 OF 1ST ADDITIONAL DISTRICT COURT, ERNAKULAM.
- EXT.P5: TRUE COPY OF I.A.NO.1666/2014 IN O.S.NO.10/2011 FILED BY THE RESPONDENTS 1 TO 4 BEFORE THE DISTRICT COURT, ERNAKULAM.
- EXT.P6: TRUE COPY OF OBJECTION TO EXHBIT.P5 FILED BY THE PETITIONERS BEFORE THE DISTRICT COURT, ERNAKULAM.
- EXT.P7: TRUE COPY OF FIR IN CRIME NO.51/2014 OF POTHANIKADU POLICE STATION DATED 16/01/2014.
- EXT.P8: TRUE COPY OF ORDER IN I.A NO.1443/2011 IN OS.NO.196/2011 DATED 18/10/2011 OF SUB COURT, MUVATTUPUZHA.
- EXT.P9: TRUE COPY OF ORDER IN I.A NO.1063/2010 IN O.S.NO.108/2010 OF SUB COURT, MUVATTUPUZHA.
- EXT.P10: TRUE COPY OF ORDER IN I.A.NO.166/2014 IN O.S.NO.10/2011 DATED 09/04/2014 OF 1ST ADDL.DISTRICT COURT, ERNAKULAM.
- EXT.P11: TRUE COPY OF ORDER IN OP(C)NO.1101 OF 2014 DATED 25-04-2014.
- EXT.P12; TRUE COPY OF IA.NO.694/2015 IN O.S.NO.10/2011 FILED BY THE RESPONDENTS 1 TO 4 BEFORE THE 1ST ADDL.DISTRICT COURT, ERNAKULAM.
- EXT.P13: TRUE COPY OF COUNTER AFFIDAVIT IN EXHBIT.P2 PETITION FILED BY THE 2ND PETITIONER.
- EXT.P14 TRUE COPY FO LETTER DATED 20/04/201 SEND BY FR.ELDHOSE KAKKADAN TO VICAR AND MANAGING COMMITTEE OF ST.JOHN'S JACOBITE SYRIAN CHURT, PANOOR.

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EXT.P15: TRUE COPYF OFG NOTICE DATED 06/03/2015.

EXT.P16: TRUE COPY OF ORDER IN I.A.N.694/2015 IN O.S.NO.10/2011 OF THE
1ST ADDL.DISTRICT COURT, ERNAKJULAM DATED 18/03/2015.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

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B. KEMAL PASHA, J.

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O.P.(C) No.830 of 2015
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Dated this the 13th day of July, 2015

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It seems that the matter has become infructuous. At the same time, learned Senior Counsel for the petitioners has pointed out that the petitioners are seriously aggrieved by certain observations entered by the court below in Ext.P15 order, which is under challenge. When the matter has become infructuous, it is only just and proper in the interest of justice to keep all the matters involved in the matter open. By leaving open all the issues involved in the matter, this O.P.(Civil) is dismissed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/13/07

// True Copy //

PA to Judge