

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

RP.No. 38 of 2015 ()

(AGAINST THE JUDGMENT IN OP(C).NO. 2716/2014 DATED 03-12-2014)

REVIEW PETITIONER/FIRST RESPONDENT :

**SREE NARYANA BHAKTHA PARIPALANA YOGAM TRUST,
SREE NARAYANAPURAM, KOORKKANCHERY, THRISSUR,
REPRESENTED BY ITS SECRETARY D. RAJENDRAN,
S/O.VYLOPPILLY DIVAKARAN, THRISSUR-680 007,
(FORMER SECRETARY)**

**BY DR.K.P.SATHEESAN, SENIOR ADVOCATE
ADVS. SRI.M.R.JAYAPRASAD
SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR
SRI.S.VIBHEESHANAN
SRI.N.MANU THAMPI**

RESPONDENT(S)/PETITIONER & RESPONDENTS 2 TO 9 :

- 1. SREE NARYANA BHAKTHA PARIPALANA YOGAM,
SREENARAYANAPURAM, KOORKKANCHERY,
THRISSUR TALUK, REPRESENTED BY ITS PRESIDENT,
M.K.SURYA PRAKASH, S/O. KUMARAN, MUNDAPPATTU HOUSE,
KANIMANGALAM VILLAGE, THRISSUR DISTRICT.**
- 2. K.K.BHAGEERATHAN,S/O.KUMARAN,
KARATTE HOUSE, THRISSUR -680 007.**
- 3. I.G.PRASANNAN,
S/O.INIKKAL GOVINDAN, ARISTO ROAD,
CHELAKKOTTUKARA, THRISSUR 680 005.**
- 4. K.V.SADANANDAN,
S/O.KOLLARA VELAYUDHAN, HOTEL INTERNATIONAL,
CHEMBOTTU LANE, THRISSUR -680 001.**
- 5. K.V.SATHYAN, S/O.KOLAZHIKKARAN VELAYUDHAN,
THOTTATHIL LANE, CHELAKKATTUKARA,
THRISSUR -680 005, PRESENTLY RESIDING AT GREEN PARK NO.D2,
FOURTH FLOOR, KOORKKANCHERY P.O, THRISSUR -680 007.**

R.P.NO.38/2015

6. ADV. MADHU B.THOPPIL,
S/O.BALAN, KANJIRANGADI,
KOORKKANCHERY P.O.,THRISSUR- 680 007.
7. RAHULAN.K.B., S/O. KUNDUVARAVALAPPIL BALAN,
SAWMILL ROAD, KOORKKANCHERY.P.O., THRISSUR-680 007
8. M.G.RAVEENDRAN, S/O.MADAMPASSERY GOPALAN,
SUBHASH NAGAR, BHAGAVATH SINGH LANE,
KANIMANGALAM.P.O., THRISSUR-680 027
9. DR.K.R.PRATHAPAN, S/O.KARUMATHRA RAMAN,
GOSAIKUNNU, KURIYACHIRA.P.O., THRISSUR-680 006

R1 BY SMT.DAISY A.PHILIPOSE

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 15-01-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

sts

P.BHAVADASAN, J.

**Review Petition No.38 OF 2015 IN
O.P.(C) No.2716 OF 2014**

Dated this the 15th day of January, 2015.

O R D E R

Review petitioner seeks to have a review of the order dated 03.12.2014 in O.P.(C) No.2716/2014 which was disposed of directing that election be conducted strictly in accordance with Ext.A1 bye law.

2. Learned counsel appearing for the review petitioner points out that the very basis of the suit was that election conducted was not in terms of the amended bye law and election was vitiated. It was that suit which was dismissed thereby negating the claim put forward by the plaintiff in the suit. It is contended that by the order of this Court the plaintiff has achieved what they had failed to achieve in the suit. It is also contended that SNBP Yogam has no authority to bring out amendment to the trust deed.

3. Learned counsel appearing for the respondents, on the

other hand, contended that the above contention is without any merits. Learned counsel referred to clauses 20 and 22 of the trust deed and contended that SNBP Yogam has right to propose amendment and after getting approval of the general body, amendment comes into effect. That is precisely what has been done in the case on hand and the relevant clauses have been amended accordingly. The case was that election has not been done in accordance with amended bye law. It is pointed out by the learned counsel that suit was not dismissed on the ground that amendment was bad but on the ground that it is hit by Section 92 of Code of Civil Procedure. Learned counsel also pointed out that amendment came into effect in 2010 and so far as no one has chosen to challenge the same.

After having heard the learned counsel on both sides, this Court finds no ground to review the order passed by this Court on 03.12.2014. There is no case for either of the parties that amendment was under challenge before this Court. This Court while disposing of the petition made it clear that the order passed by this Court will not preclude either of the parties from

proceeding in accordance with law. That indicates that if either of the parties have any right in law to challenge any provisions of the trust deed or bye law, that will be without prejudice to the order passed by this Court. It is made clear that this Court has not spoken on the validity of the amendment to the bye law.

This review petition is dismissed.

Sd/-

**P.BHAVADASAN
JUDGE**

smp

// True Copy //

P.A. to Judge.