

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

RP.No. 115 of 2014 (P) IN WP(C).37390/2009

AGAINST THE ORDER/JUDGMENT IN WP(C) 37390/2009 of HIGH COURT
OF KERALA DATED 28-09-2010

REVIEW PETITIONER(S)/PETITIONER IN WP(C):

AMBATTUKAVU BHAGAVATHY KSHETHRA SAMITHY
REGISTER NO.206/93
REPRESENTED BY ITS SECRETARY P.C.BABU, AGED 48 YEARS
RESIDING AT AISHWARYA, AMBATTUKAVU
THAIKATTUKARA P.O., ALUVA, ERNAKULAM - 683 106.

BY ADVS.SRI.T.KRISHNANUNNI (SR.)
SRI.K.SHRIHARI RAO
SMT.N.SHOBHA
SRI.K.S.BALAKRISHNAN

RESPONDENT(S)/RESPONDENTS IN WP(C):

1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY,
DEVASWOM DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
2. THE TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY, NANDANCODE
THIRUVANANTHAPURAM - 695 003.
3. THE COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, NANDANCODE
THIRUVANANTHAPURAM - 695 003.
4. M.G.RADHAKRISHNAN,
MANKAYIL HOUSE, AMBATTUKAVU, CHOORNIKARA
THAIKATTUKARA P.O., ALUVA
ERNAKULAM DISTRICT - 683 106.

5. AYYAPPANKUTTY,
KUMBALAMPARAMBIL HOUSE, AMBATTUKAVU,
CHOORNIKARA
THAIKKATTUKARA P.O., ALUVA
ERNAKULAM DISTRICT - 683 106.
6. SURESH BABU,
MUNDETHUPARAMBU, CHOORNIKARA,
THAIKKATTUKARA P.O.
ALUVA, ERNAKULAM DISTRICT - 683 106.
7. P. SADANANDAN, AGED 56 YEARS
S/O.PADMANABHAN K.K.
RESIDING AT MATTATHUPADINJATTATHIL,
KESHAVASADANAM
CHENGAMANAD P.O., ALUVA - 683 578,
AS STATE SECRETARY
KERALA KSHETHRA SAMRAKSHNA SAMITHI,
MEKHALA OFFICE, PATHIRAKATTUKAVU KSHETHRAM,
KALAMASSERY, PIN - 683 578.
8. VISWA HINDU PARISHAD,
HINDU SAMSKARIKA KENDRA,
PAVAKULAM TEMPLE COMPLEX
KALLOOR, KOCHI - 17
REPRESENTED BY ITS JOINT GENERAL SECRETARY.

R8 BY SRI.M.P.ASHOK KUMAR

R1 BY SRI.P.M.SANEER, SR.GOVERNMENT PLEADER

R4&6 BY SRI.C.A.JOY

R7 BY SRI.KRISHNADAS P. NAIR

R2&3 BY SRI.M.V.S.NAMBOOTHIRI, SC, TRAVANCORE DEVASWOM
BOARD

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
05-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN
&
P.BHAVADASAN, JJ.

R.P.No.115 of 2014 in WP(C) No.37390 of 2009
and
C.M.Appl.No.56 of 2014 in R.P.No.115 of 2014

Dated this the 5th day of February, 2015

O R D E R

Thottathil B.Radhakrishnan, J.

1. We have heard the learned counsel for the parties.
2. Though there is delay of 407 days in filing this review petition, the fundamental issue is as to whether this Court had acted appropriately in fixing the time limit of one month for institution of a suit, when the law governing such a suit prescribes two months' prior notice. The error to that extent is so apparent on the order sought to be reviewed. That needs to be set aside to secure the ends of justice. It appears that the review petitioner filed a suit. That was held to be not maintainable in view of the absence of the notice as noted above. An appeal was carried. That is stated to be pending before this Court. We see that sufficient grounds are, therefore, shown to condone the delay and to have the application for review allowed vacating any requirement to file

the suit within one month as stated in the judgment sought to be reviewed. We do so. This means that the directions issued through the judgment dated 28.09.2010, which is sought to be reviewed, regarding the management, in the absence of any suit will be co-terminus with the discharge of Ext.P18, either by efflux of time or by judicial intervention without any period of time as stated in the judgment sought to be reviewed.

Therefore, the C.M.Application is allowed. The review petition is ordered accordingly.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(P.BHAVADASAN, JUDGE)