

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

Tr.P(C).No. 651 of 2014

(TO TRANSFER O.S.22/2012 FROM SUB COURT, THODUPUZHA TO 1ST
ADDITIONAL DISTRICT COURT, ERNAKULAM)

PETITIONERS/DEFENDANTS 1 AND 3:

1. ST.JOHN'S JACOBITE SYRIAN CHURCH (WRONGLY DESCRIBED IN
THE PLAINT AS SYRIAN ORTHODOX CHURCH) PANNOOR
PANNOOR.P.O., KARIMANNOOR, UDUMBANNOOR VILLAGE
THODUPUZHA TALUK, IDUKKI DISTRICT
REPRESENTED BY ITS SECRETARY JOY THOMAS.
2. JOY THOMAS, AGED 58 YEARS
S/O.THOMAS, KOORUVELIL HOUSE, THATTAKKUZHA KARA
UDUMBANNOOR VILLAGE, THODUPUZHA TALUK
IDUKKI DISTRICT.

BY ADV. SRI.K.J.KURIACHAN

RESPONDENT)/PLAINTIFFS AND 4TH DEFENDANT:

1. MR.RAJU GEORGE, AGED 48 YEARS
S/O.GEORGE, KONNANAL HOUSE, PANNOOR KARA
KARIMANNOOR, THODUPUZHA TALUK, ERNAKULAM DISTRICT.
2. MR.SUNNY, AGED 43 YEARS
S/O.LUKOSE, THATTAMAYIL HOUSE, PANNOOR KARA
KARIMANNOOR, THODUPUZHA TALUK, ERNAKULAM DISTRICT.
3. REV.FR.POULOSE, AGED 61 YEARS
S/O.THOMMAN PAILY, THALIYACHIRA HOUSE, MARADY.P.O.
MUVATTUPUZHA TALUK, ERNAKULAM DISTRICT.

R1 & R2 BY ADV. SRI.S.SREEKUMAR (SR.)
R1 & R2 BY ADV. SRI.P.PRIJITH
R1 & R2 BY ADV. SRI.P.MARTIN JOSE
R1 & R2 BY ADV. SRI.THOMAS P.KURUVILLA

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 04-03-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

P.BHAVADASAN, J.

Transfer Petition (Civil) No.651 OF 2014

Dated this the 4th day of March, 2015.

O R D E R

This is a petition filed under Section 24 of the Code of Civil Procedure seeking to have O.S.No.22/2012 pending before Sub Court, Thodupuzha transferred to 1st Additional District Court, Ernakulam for trial and disposal.

2. This is a case belonged to one of those series of 'Malankara Church cases' for which a Special Court was initially established and that is how the 1st Additional District Court, Ernakulam considered the church matters but later on it was declared that all courts have inherent jurisdiction to hear and dispose of the church matters and that is why the original suit was filed before Sub Court, Thodupuzha.

3. Learned counsel appearing for the petitioners points out that a connected suit is pending before 1st Additional District Court, Ernakulam and records are available in that court and therefore it is only appropriate that this suit also be transferred

to that court for trial and disposal.

4. Strong objection is taken to by the learned counsel appearing for the respondents pointing out that the other suit is no longer pending and the respondents are plaintiffs in the said suit and they have got certified copy of the order which they have produced in that suit. It is further pointed out that the 1st Additional District Court, Ernakulam is a very heavy court and there is no likelihood of disposing the matter in the near future and in Sub Court, Thodupuzha trial could be held within a short span of time. Under these circumstances, it will be inappropriate to dispose of the case by the 1st Additional District Court, Ernakulam. There is no case for the petitioners that Sub Court, Thodupuzha lacks inherent jurisdiction to hear the suit.

Since the other suit which is made mention of is no longer pending, the question of transfer does not arise for consideration. Moreover since the 1st Additional District Court, Ernakulam is a very heavy court, as pointed out by the learned counsel for the respondents, there is no likelihood of the matter being taken and disposed of in the near future. Since it is pointed out that written

statement has already been filed before Sub Court, Thodupuzha, that court can take necessary steps to dispose of the matter.

With the above observation, this petition is disposed of.

Sd/-

**P.BHAVADASAN
JUDGE**

smp