IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

THURSDAY, THE 26TH DAY OF MARCH 2015/5TH CHAITHRA, 1937

WP(C).No. 9464 of 2015 (G)

PETITIONER:

K.G.VARGHESE, AGED 70 YEARS,
S/O LATE GEEVARGHESE GEEVARGHESE,
VADAKKEKALECKAL, VAYALINUMPADINJARU MURI,
KEERUKUZHI (P.O.), THUMPAMON VILLAGE,
ADOOR TALUK, PATHANAMTHITTA DISTRICT-689 502.

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

RESPONDENTS:

1. THE REVENUE DIVISIONAL OFFICER,
ADOOR-691 523.

2. THE TAHSILDAR, ADOOR-691 523.

3. ST.MARY'S ORTHODOX CATHEDRAL,
THUMPAMON, THUMPAMON P.O.,
PATHANMTHITTA - 689 502 REP. BY
ITS TRUSTEE.

4. THE VICAR, ST.MARY'S ORTHODOX CATHEDRAL,
THUMPAMON, THUMPAMON P.O.,
PATHANMTHITTA - 689 502.

R3 & 4 BY ADVS. SRI.KURIAN GEORGE KANNANTHANAM (SR.)
SRI.TONY GEORGE KANNANTHANAM
R1 & R2 BY GOVERNMENT PLEADER SRI.K.C.VINCENT

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC 9464/2015

PETITIONER'S EXHIBITS:

EXT. P1 TRUE COPY OF RECEIPT DATED 25.02.2013 ISSUED TO THE PETITIONER'S MOTHER ALIYAMMA GEEVARGHESE

EXT. P2 TRUE COPY OF MEMBERSHIP FEES RECEIPT DATED 25.02.2013 ISSUED TO THE PETITIONER'S MOTHER ALIYAMMA GEEVARGHESE

EXT. P3 TRUE COPY OF KALPANA NO.218/2013 DATED 15.11.2013

EXT. P4 TRUE COPY OF KALPANA NO.112/2014 DATED 22.08.2014

EXT. P5 TRUE COPY OF PLAINT IN O.S.NO.115/2014 FILED BEFOFE THE MUNSIFF'S COURT, ADOOR

EXT. P6 TRUE COPY OF RECEIPT ISSUED FROM JOSCO MULTUI SPECIALITY HOSPITAL, EDAPPON PANDALAM

EXT. P7 TRUE COPY OF CERTIFICATE DATED NIL ISSUED FROM VIJAYA NURSING HOME

EXT. P8 TRUE COPY OF KALPANA NO.38/2015 DATED 22.03.2015

EXT. P9 TRUE COPY OF REPRESENTATION DATED 23.3.2015 ALONG WITH THE RECEIPT ISSUED BY THE FIRST RESPONDENT

/TRUE COPY/

P.S. TO JUDGE

Dama Seshadri Naidu, J.

W.P.(C)No.9464 of 2015 G

Dated this the 26th day of March, 2015

JUDGMENT

The petitioner, after the expiry of his mother on 22.03.2015, wanted to bury her in the symmetry maintained by the third respondent. In the light of the civil disputes in O.S.No.182/2015 on the file of the Munsiff Court, Adoor, he could not have access to the symmetry. Under those circumstances, the petitioner filed the present writ petition seeking the following reliefs:

> "i. issue of writ of mandamus or other or direction to respondents 1 and 2 to take appropriate steps for burial of the mortal remains of Aliyamma Geevarghese in the family tomb of the deceased in the cemetery of the 3rd respondent church by performing the last rites by the Vicar of the St.Thomas Orthodox Syrian Church, Thumpamon;

> ii. issue such other writ order or direction as may be necessary in the interest of justice."

2. At any rate, it seems that respondents 3 and 4 have filed the suit referred to above contemporaneously. When this Court took up the writ petition yesterday, both the parties informed the court that the civil court had already considered the interlocutory application and reserved the matter for pronouncement of orders for the next day. Accordingly, the writ petition was also adjourned to this day. After the initial passover, both the learned counsel have informed the court that the trial court has passed certain orders in the interlocutory application and that they are willing to abide by the directions given therein.

3. The learned counsel on both sides are in unison in their submissions that in the light of the interim orders passed by the civil court, the writ petition does not survive

and it may be closed.

In the facts and circumstances, having regard to the respective submissions of the learned counsel for the petitioner and the learned Senior Counsel for respondents 3 and 4, this Court is of the opinion that nothing survives in the writ petition for further consideration. Accordingly, this writ petition stands closed. No order as to costs.

It is made clear that if either of the parties have any grievance with regard to the interim order passed by the civil court in the interlocutory application, needless to observe, they are at liberty to take remedial steps in that regard.

Dama Seshadri Naidu, Judge

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