IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR

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THE HONOURABLE MR. JUSTICE S.MANU

FRIDAY, THE 11TH DAY OF APRIL 2025 / 21ST CHAITHRA, 1947

WA NO. 729 OF 2025

AGAINST THE ORDER DATED 13.03.2025 IN WP(C) NO.32354 OF 2024 OF HIGH COURT OF KERALA

APPELLANT(S)4TH RESPONDENT:

P N SASIKUMAR,
AGED 57 YEARS
S/O NARAYANAN, RESIDING AT TAS COTTAGE (PUTHANPURAYIL), KUMALI P O, IDUKKI DISTRICT, PIN - 685509

BY ADVS.
ALEX XAVIER, SR.ADV.
M.RISHIKESH SHENOY
N.K.SUBRAMANIAN
ANN MARY.V.I

RESPONDENT(S)/PETITIONERS & RESPONDENTS 1 TO 3:

1 M/S. THEKKADY ROSE PARK,
AN UNREGISTERED PARTNERSHIP FIRM HAVING ADDRESS AT ATTAPPALLOM, REPRESENTED BY ITS MANAGING PARTNER SUNNY MATHEW, AGED 68, S/O VARKEY MATHEW,

RESIDING AT VETTOONICKAL HOUSE, KUMALI P O, IDUKKI DISTRICT, PIN - 685509

2 SUNNY MATHEW,
AGED 68 YEARS
S/O VARKEY MATHEW, RESIDING AT VETTOONICKAL HOUSE, KUMALI P.O., IDUKKI DISTRICT, PIN - 685509

3 THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT, LOCAL SELF GOVERNMENT DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM P.O, THIRUVANANTHAPURAM DISTRICT, PIN - 695001

4 THE KUMALI GRAMA PANCHAYATH ,
REPRESENTED BY ITS SECRETARY, OFFICE OF THE KUMALI GRAMA PANCHAYATH, KUMALI P O, IDUKKI DISTRICT, PIN - 685509

5 THE SECRETARY,
KUMALI GRAMA PANCHAYATH, KUMALI P O, IDUKKI DISTRICT, PIN - 685509

BY ADV Liji J Vadakkedom
SRIKUMAR (CHELUR)
VISHNU PREMKUMAR
ATHUL V.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 11.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT
Dated this the 11th day of April 2025

NITIN JAMDAR, C.J.

Heard Mr. Anil Xavier, learned Senior Advocate assisted by Mr. Rishikesh Shenoy, learned counsel appearing for the Appellant, Mr. Vishnu Premkumar representing Mr. G. Sreekumar (Chelur), learned counsel appearing for Respondent No.1 and Mr. Athul V. representing Mr. Liji J. Vadakedom, learned counsel appearing for Respondent Nos.4 and 5.

2. The Appellant is aggrieved by the order dated 13 March 2025 in W.P.(C)No.32354/2024 filed by Respondent Nos.1 & 2 / Original Petitioners. By this order, the learned Single Judge revived the interim order and extended it for a period of three months. The interim order which was revived was passed on 12 September 2024, by which the learned Single Judge had directed the parties to maintain *status quo*.

3. According to the Appellant, since it was an ex parte interim order and the Appellant had filed an application for vacating the same upon which there was no order, the order of *status quo* stood vacated by virtue of operation of law. Upon this application, on 13 March

2025, the learned Single Judge extended the order of *status quo* and adjourned the proceedings.

4. Learned Senior Advocate for the Appellant submitted that the order of *status quo* passed in this Petition is being relied upon by the Original Petitioner in the arbitration proceedings pending between the Appellant and Respondent No.2 / Original Petitioner in a dispute arising out of dissolution of partnership.

5. Both the orders, dated 12 September 2024 and 13 March 2025, do not give any reasons and therefore we are not guided by the impugned orders as to why the order of status quo was granted and its ambit.

6. However, the position that when the Court directs the parties to maintain status quo without any other indication it is in the context of the prayers in the writ petition. The prayers in the writ petition are to quash Exts.P13 and P16 stop memo issued by the local authority to stop the business. Second prayer is to direct the authorities to take up the application for renewal of licence. These prayers sought by the Petitioner are primarily against the local authority to restrain it from taking action. Therefore, the order of *status quo* which is extended, will have to be construed only in that limited context. If the Petitioners seek any further modification / clarification to make the order of *status quo*

more specific or to have it expanded in scope, it is open to the Petitioners to apply to the learned Single Judge.

7. In light of this clarification as to the existent order of *status quo*, the writ appeal is disposed of accordingly.

Sd/-

NITIN JAMDAR
CHIEF JUSTICE

Sd/-

S.MANU
JUDGE

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APPENDIX OF WA 729/2025

PETITIONER ANNEXURES

Annexure A1	**TRUE COPY OF WP (C) NO. 32239 OF 2024 FILED ON 09-09-2024**
Annexure A2	**TRUE COPY OF IA NO. 1/2024 IN WP(C) NO.32354/2024 DATED 06/11/2024**
Annexure A3	**A TRUE COPY OF THE STATUS DOWNLOADED FROM THE WEBSITE IN WP (C) 32354 OF 2024**
Annexure A4	**TRUE COPY OF IA NO.1/2025 IN WP (C) 32354 OF 2024 DATED 17/01/2025**
Annexure A5	**TRUE COPY OF THE COMMON ORDER DATED 27/01/2025 IN AR 235 OF 2024 AND AR 19 OF 2025 OF THE HON'BLE HIGH COURT OF KERALA**
Annexure A6	**TRUE COPY OF THE MA (ARB) NO.1/2024 DATED 19/11/2024 FILED BEFORE THE COMMERCIAL COURT, KATTAPANA BY THE APPELLANT**
Annexure A7	**TRUE COPY OF THE ORDER DATED 20/11/2024 IN IA NO. 2/2024 IN MA (ARB) NO. 1/2024 OF COMMERCIAL COURT, KATTAPPANA**
Annexure A8	**TRUE COPY OF CMA (ARB) NO. 2/2024 DATED 23/11/2024 FILED BEFORE THE COMMERCIAL APPELLATE COURT, THODUPUZHA CHALLENGING THE ORDER DATED 20/11/2024 IN IA NO. 2/2024 IN MA (ARB) NO. 1/2024 OF THE COMMERCIAL COURT, KATTAPPANA**
Annexure A9	**TRUE COPY OF THE DAILY STATUS DATED 23/11/2024 IN IA NO. 2/2024 IN CMA**

	(ARB) NO. 2/2024 OF THE COMMERCIAL APPELLATE COURT, THODUPUZHA
Annexure A10	TRUE COPY OF THE COUNTER AFFIDAVIT DATED 09/12/2024 IN IA 2 OF 2024 IN CMA (ARB) NO. 2/2024 FILED BY THE APPELLANT BEFORE THE COMMERCIAL APPELLATE COURT, THODUPUZHA
Annexure A11	TRUE COPY OF IA NO. 5/2024 IN IA NO.2 OF 2024 IN CMA (ARB) NO. 2/2024 FILED BY THE APPELLANT BEFORE THE COMMERCIAL APPELLATE COURT FOR VACATING THE STAY ORDER
Exhibit P9	TYPED COPY OF EXHIBIT P9 IN WPC 32354 OF 2024 - COPY OF THE RECEIPT ISSUED BY THE 3RD RESPONDENT DATED 22.05.2024