

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present :

THE HON'BLE THE CHIEF JUSTICE MR. J. CHELAMESWAR

&

THE HON'BLE MR. JUSTICE P. R. RAMACHANDRA MENON

Tuesday the 6th day of September 2011/15TH BHADRA 1933

REA.No.589/2011

O.S.No.43/2007 OF THE IST ADDL.DISTRICT COURT, ERNAKULAM.

APPELLANTS/PLAINTIFFS/

1. K. S. VARGHESE, S/O. SCARIA,  
KAVANACHOTTIL HOUSE, PALACKAMATTOM KARA,  
IKKARANADU SOUTH VILLAGE, KUNNATHUNADU TALUK.
2. V. M. GEORGE, S/O. MATHAI,  
VEDANKULANGARA HOUSE, MANGATTOOR KARA,  
IKKARANAD SOUTH VILLAGE, KUNNATHUNADU TALUK.
3. C. K. THAMPI, S/O. KURIAKOSE,  
CHUNDATHADATHIL HOUSE, VADAYAMPADI KARA,  
AIKKARANAD SOUTH VILLAGE, KUNNATHUNADU TALUK.

BY ADV. SRI. N. SUKUMARAN, SENIOR ADVOCATE

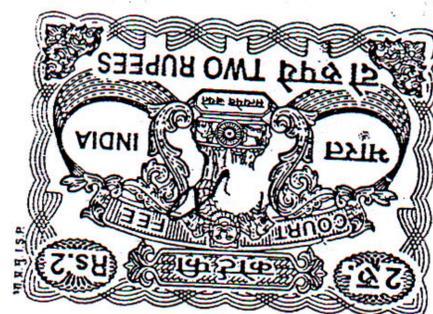
SRI. S. SHYAM

SRI. N. K. KARNIS

SRI. BOBBYMATHEW KOOTHATTUKULAM

RESPONDENTS/DEFENDANTS/

1. ST. PETER'S AND ST. PAUL'S SYRIAN ORTHODOX  
CHURCH, KOLENCHERRY, REPRESENTED BY ITS VICAR  
REV. FR. VARGHESE EDUMARY, EDUMARY HOUSE,  
KOLENCHERRY KARA, AIKKARANADU SOUTH VILLAGE,  
KUNNATHUNADU TALUK 682 311.
2. REV. FR. VARGHESE EDUMARY, S/O. PAILY, VICAR,  
PETER'S AND ST. PAUL'S SYRIAN ORTHODOX CHURCH,  
KOLENCHERRY KARA, AIKKARANADU SOUTH VILLAGE,  
KUNNATHUNADU TALUK 682 311.
3. REV. FR. JACOB KURIAN, S/O. KURIAN,  
PRIEST, ST. PETER'S AND ST. PAUL'S SYRIAN ORTHODOX  
CHURCH, KOLENCHERRY KARA, AIKKARANADU SOUTH VILLAGE,  
KUNNATHUNADU TALUK 682 311.
4. P. M. GEORGE, S/O. ~~S/O.~~ LATE SRI. MATHULLA,  
ELOOR, PANNIKUZHIIYIL HOUSE, ELAMKULAM KARA,  
AIKKARANADU SOUTH VILLAGE. (DIED) .
5. K. A. THAMPI, S/O. ABRAHAM,  
KUNNATHUKULATHUKATTIL HOUSE, KINGINIMATTOM KARA,  
AIKKARANADU SOUTH VILLAGE. 682 311.
6. T. V. PURAVATHU, S/O. VARKEY,  
THAMARACHALIL HOUSE, ELAMKULAM KARA,  
AIKKARANADU SOUTH VILLAGE, KUNNATHUNADU TALUK, 682 311.
7. C. V. PAILY, S/O. VARKEY,  
KOCHIPUTHENPURAYIL, KARUKAPPILLY KARA,  
AIKKARANADU SOUTH VILLAGE, KUNNATHUNADU TALUK (DIED)
8. P. P. THOMAS, POOKKOLAYIL HOUSE,  
KOLENCHERY KARA, AIKKARANADU SOUTH VILLAGE,  
KUNNATHUNADU TALUK, 682 311.
9. A. V. PATHROSE, S/O. VARKEY,  
ATHIKKUZHIL HOUSE, MANGATTOOR KARA,  
AIKKARANADU NORTH VILLAGE, KUNNATHUNADU TALUK,  
682 311.



10. THOMAS M. ALIAS, S/O. ALIAS, MUNDAYIL HOUSE,  
PERINGALA KARA, AIKKARANADU NORTH VILLAGE,  
KOLENCHERRY, KUNNATHUNADU TALUK, 682 311.
11. JOGI GEORGE, S/O. C.M. GOERGE, CHOLATTU HOUSE, PUTHENCROUZ KARA,  
AIKKARANADU NORTH VILLAGE, KOLENCHERRY, *VADAYAN*  
KUNNATHUNADU TALUK, 682 311.
12. BABU PAUL, S/O. LATE P.M. PAILY PILLA,  
PERUMPILLIL HOUSE, ELAMKULAM KARA,  
AIKKARANADU SOUTH VILLAGE, KOLENCHERRY P.O.,  
KUNNATHUNADU TALUK, 682 311
13. MATHEW YOHANNAN, S/O. MATHEW VALLIKATHIL,  
AIKKARANADU NORTH VILLAGE, MANGATTOOR, 682 311.
14. SUNIL MATHEW, S/O. MATHEW, NJARUTHOZHIIYIL,  
ELAMKULAM KARA, KOLENCHERRY 682 311.
15. K.M. GEORGE, S/O. MATHAI, KODIYATTU,  
MAZHUVANNOOR VILLAGE, EZHUPURAM,  
SOUTH MAZHUVANNOOR 682 311.
16. PAUL P. KUNNATH, S/O. POULOSE, KUNNATH,  
PERINGODE, AIKKARANADU NORTH, KOLENCHERRY 682 311.

BY ADV. SRI.P.MARTIN JOSE CAVEATOR

This REGULAR FIRST APPEAL <sup>having</sup> come up for orders on 06/09/2011 the  
Court on the same day passed the following:

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TRU

EXAMINER

J. CHELAMESWAR, C.J & P.R.RAMACHANDRA MENON, J.

R.F.A.No. 589 of 2011

Dated this the 6<sup>th</sup> day of September, 2011

ORDER

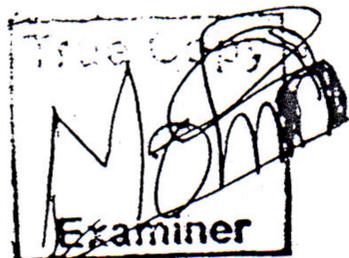
J.Chelameswar, CJ.

Learned counsel for the appellant vehemently submitted that unless an interim order of status quo continuing the arrangement that existed during the pendency of the suit is ordered, the appellants would be put to serious and irreparable loss. We do not see any justification for granting the stay order in favour of the party, whose suit was dismissed, more particularly, whose suit is not based on any private right. Both sides submitted that the suit is one filed under Section 92 of the Code of Civil Procedure. The prayer is, therefore rejected.

Sd/- J. Chelameswar (Chief Justice)

Sd/- P. R. Ramachandra Menon (Judge)

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Assistant Registrar

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