

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937

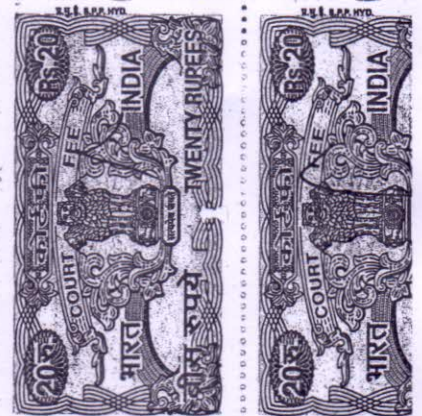
RFA.No. 193 of 2014 ()

(AGAINST THE JUDGMENT AND DECREE IN OS.NO. 10/2003 OF 1ST ADDL.DISTRICT COURT, ERNAKULAM DATED 10-02-2014)

APPELLANT(S)/PLAINTIFFS:

1. MATHAI VARGHESE, S/O.VARGHESE, AGED 65 YEARS, MUTHIRAKKALAYIL HOUSE, MATTAKUZHI, VARIKKOLI P.O., PIN-682 308.
2. T.M.PAULOSE, S/O.MATHAI, AGED 63 YEARS, THELAKKAT HOUSE, VARIKOLI P.O., PUTHENCRUZ VILLAGE, PIN-682 308.
3. C.E.GEEVARGHESE, AGED 48 YEARS, S/O.ELIAS, CHENNEKATTIL HOUSE, MATTAKUZHI, VARIKOLI P.O., THIRUVANIYOOR VILLAGE, PIN-682 308.
4. M.C.PAULSON, AGED 58 YEARS, S/O.CHACKO, MALAI HOUSE, MATTAKUZHI, VARIKOLI P.O., THIRUVANIYOOR VILLAGE, PIN-682 308.
5. T.T.PAULOSE, AGED 48 YEARS, S/O.THOMAS, THONNAMATTATHIL HOUSE, MATTAKUZHI, VARIKOLI P.O., THIRUVANIYOOR VILLAGE, PIN-682 308.
6. T.V.THOMAS, AGED 54 YEARS, S/O.VARKEY, THEKKINETH HOUSE, MATTAKUZHI, VARIKOLI P.O., THIRUVANIYOOR VILLAGE, PIN-682 308.
7. M.K.PAULOSE, AGED 55 YEARS, S/O.KURIAKOSE, MUNDAKKAL HOUSE, MATTAKUZHI, VARIKOLI P.O., THIRUVANIYOOR VILLAGE, PIN-682 308.
8. BABY JOSEPH, AGED 55 YEARS, S/O.JOSEPH, PALAKKATTIL HOUSE, MATTAKUZHI, VARIKOLI P.O., THIRUVANIYOOR VILLAGE, PIN-682 308.
9. C.C.PHILIP, AGED 55 YEARS, S/O.CHERIAN, CHAKKYATTIL HOUSE, VARIKOLI P.O., PUTHENCRUZ VILLAGE, PIN-682 308.

BY ADVS.SRI.P.MARTIN JOSE
SRI.ELDHO CHERIAN
SRI.P.PRIJITH
SRI.THOMAS P.KURUVILLA



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RESPONDENT(S)/DEFENDANTS:

1. ST.MARY'S ORTHODOX CHURCH,
VARIKOLI, VARIKOLI P.O., PIN-682 308,
PUTHENCRUZ, REP. BY ITS TRUSTEE.
2. BINOY VARGHESE, AGED 31 YEARS,
S/O.VARGHESE, IKKARAYIL HOUSE,
MATTAKUZHI, VARIKOLI P.O., PIN-682 308.
3. C.A.VARGHESE, AGED 60 YEARS, S/O.ABRAHAM,
CHEMMOTH HOUSE, CHEMMANADU B.K.PURAM P.O.,
PIN-682 308.
4. REV.FR.MATHAI VADAKKINETH,
VADAKKINETH HOUSE, EHAKKARANADU SOUTH P.O.,
MANEED VILLAGE, PIN-682 308.
5. V.E.THOMAS,S/O.ITTOOP, AGED 64 YEARS,
VELLOOR HOUSE, MATTAKKUZHI VARIKKOLI P.O.,
PUTHENCRUZ VILLAGE, KUNNATHUNADU TALUK,
ERNAKULAM DISTRICT, PIN-682 308.
6. P.A.GEORGE, S/O.ALEXANDER, AGED 61 YEARS,
PADIYIL HOUSE, MATTAKKUZHI, VARIKKOLI P.O.,
KUNNATHUNADU TALUK, ERNAKULAM DIST, PIN-682 308.
7. K.I.YACOB,S/O.ISAHAC,AGED 59 YEARS,
KIZHIPILLIL HOUSE, MATTAKKUZHI,
VARIKKOLI P.O., KUNNATHUNADU TALUK,
ERNAKULAM DIST, PIN-682 308.
8. V.V.MATHAI, S/O.VARKEY, AGED 54 YEARS,
VELLOOPUTHENPURAYIL HOUSE, CHOONDY,
VADYAMBADY P.O.,AIKKARANAD SOUTH VILLAGE,
KUNNATHUNADU TALUK, ERNAKULAM DIST, PIN-682 308.
9. AJOSH GEORGE,S/O.GEORGE, AGED 32 YEARS,
PADIYIL HOUSE, MATTAKKUZHI,VARIKKOLI P.O.,
PUTHENCRUZ VILLAGE, KUNNATHUNADU TALUK,
ERNAKULAM DIST, PIN-682 308.

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*ADDL.R10 IMPEADED

*ADDL.R10: FR.VIJU EALIAS, AGED 32 YEARS, S/O.T.V.EALIAS,
THANNIKUZHIIYIL, VETTICKAL,
MULANTHURUTHY VILLAGE, KANAYANNUR TALUK.

*ADDL.R10 IS IMPEADED AS PER ORDER DATED 21/07/2015 IN
I.A.NO.1431/2014

R1 TO R3,R5 TO R9 BY ADV. SRI.K.J.KURIACHAN

R4 BY ADVS. SRI.P.VIJAYAKUMAR

SRI.C.R.REGHUNATHAN

SRI.M.V.ASHIM

SRI.R.BALAKRISHNAN

SRI.B.HARRYLAL

SRI.SUVIN.R.MENON

ADDL.R10 BY ADV. SRI.K.PAUL KURIAKOSE

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD
ON 21-07-2015, THE COURT ON 21-08-2015 DELIVERED
THE FOLLOWING:

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2.

P.B.SURESH KUMAR, J.

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R.F.A.No.193 of 2014.

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Dated this the 21st day of August, 2015.

J U D G M E N T

The plaintiffs in a suit instituted under Section 92 of the Code of Civil Procedure are the appellants.

2. The dispute in the suit pertains to the management of the first defendant church namely, St.Mary's Orthodox Church, Varikoli. The first defendant church is a parish church coming under the Kandanadu East Diocese of Malankara Orthodox Syrian Church, hereinafter referred to as 'the Malankara Church' for short. The suit was filed by a few parishioners of the first defendant church, alleging that the first defendant church is to be administered in accordance with the constitution of the Malankara Church framed by the Malankara Association in the year 1934; that

