



1



C-F RS.10.00/-
KS
26.3.24

IN THE COURT OF THE I ADDITIONAL MUNSIFF, ERNAKULAM
Present :- Sri. Padmakumar.G., I Additional Munsiff.
Tuesday, the 26th day of March, 2024/13th Chaithram, 1946.

IA 2/2024 in O.S No. 208/2024

Petitioners/Plaintiffs :-

1. Anil Joseph, 59 years, S/o Late Justice K.J.Joseph, residing at 12A, Tower 1, TATA Tritvam, Queensway, Marine Drive Extn. Kochi Kanayannoor Taluk. Ernakulam village, Ernakulam – 682 018.
2. Sibichan Sebastian, 50 years, S/o Sebastian, Urulichalil House, Kannampilli Road, Pachalam, Cochin, Kanayannoor Taluk, Ernakulam village, Ernakulam – 682 012.
3. Godfer P.A, 51 years, S/o P.P.Anony, Pallikal House, Market Road, Vaduthala P.O, Kochi, Kanayannoor Taluk, Ernakulam village, Ernakulam – 682 023.
4. Baby Joseph, 68 years, S/o Joseph, Noble Nivas, Golden Street, Vaduthala P.O, Ernakulam, Kanayannoor Taluk, Ernakulam village, Ernakulam – 682 023.
5. Thomas N.V, S/o N.K.Varghese, 63years, Nadumuriyil House, Samajam Road, Vaduthala P.O, Kochi, Kanayannoor taluk, Ernakulam village, Kochi – 682 023.

By Advs. Jayasankar, P.K.Reshma, S.Rajeev, Sanjana V.H,
Shaiju George, Adersh R.S Panicker, Pushpavathi K



Respondents/Defendants:-

1. Syro – Malabar Church, St. Thomas Mount, PB No. 3110,

KS

Thrikkakkara village, Kanayannur Taluk, Kakkanadu P.O, Kochi - 682 030, represented by its Major Archbishop.

2. St.Mary's Cathedral Basilica, Broadway, Ernakulam, Ernakulam village, Kanayannoor Taluk, Kochi - 682 023, represented by its Vicar.
3. Vicar, St.Mary's Cathedral Basilica, Broadway, Ernakulam, Ernakulam village, Kanayannoor Taluk, Kochi - 682 023
4. Archeparchy of Ernakulam - Angamaly represented by its Administrator, Bishop's house, Broadway, Ernakulam, Ernakulam village, Kanayannoor taluk, Kochi - 682 023.
5. Fr.Varghese Manavalan, Vicar, St.Mary's Cathedral Basilica, Broadway, Ernakulam, Ernakulam village, Kanayannoor Taluk, Kochi - 682 023.

5th Respondent is impleaded as per order in IA 6/2024 dated 26.03.24.

By Advs. Manu Vyasam Peter (R1), A.Balagopalan, Jimmy John Vellanikaran (R2 & R3), Jeswin P Varghese (R4)No vakalath (R5)

This petition filed Under section 39 of the specific relief Act, 1963 read with Section 151 of the Civil Procedure praying this court to grant an interim mandatory injunction, directing the 3rd respondent herein to open the 2nd respondent church and to conduct the holy sermons therein in accordance with the mandate of suit Document no. 1.

VG



This I.A having come up for hearing before me on 26.03.2024 and the court on the same day passed the following:-

ORDER

This is an application filed seeking an interim mandatory injunction directing the 3rd respondent/defendant herein to open the 2nd respondent /defendant church and to conduct the Holy sermons therein in accordance with the mandate of suit No.1. ^{document}

2. Heard both sides, in brief.

3. The counsels on both sides submit that they are agreeable to the opening of the church as urged by the petitioners/plaintiffs. The counsel for the respondent No.2 &3 does not have any quarrel with regard to that aspect. They submitted that the Apostolic Administrator, Ernakulam-Angamaly Major Archeparchy has issued a letter dated 23.3.2024 to the newly appointed Vicar to open the Basilica and to conduct celebration of all sacraments and sacramentals except Holy Qurbana.

4. With regard to the matter of direction to conduct the unified Qurbana, the counsels have submitted that the possibility of arriving at a consensus on that will be explored and the result will be submitted before this court by tomorrow.

5. In the circumstances the respondent No.3 is directed to open the 2nd respondent church today itself. The Vicar is also directed to conduct celebration of all sacraments and sacramentals except Holy

[Handwritten signature]



Qurbana therein. If any one obstructs or interrupts the opening of the church and conducting all sacraments and sacramentals as directed by this court, the SHO, Central Police Station shall be approached by the petitioners and the church authorities and the SHO, Central Police Station is directed to provide all assistance to them and shall see that the respondent/defendant No.2 church is opened in compliance with the order of this court.

6. In the meanwhile, mediation talks shall be initiated by the parties concerned to see whether Qurbana, as formulated by the Synod and approved by the Holy Father, can be conducted on the Easter Day. Issue notice to the SHO, Central Police Station by hand. Posted for further steps and hearing- To 27/03/2024.

In the result, IA is allowed to the above extent.

Dictated to the Confidential Assistant, typed by her, corrected by me and pronounced in Open Court on this the 26th day of March, 2024.



sdll

Padmakumar.G
I Additional Munsiff.

Appendix: Nil

sdll

I Additional Munsiff.

Typed by: AH
Comp.by:

11 True Copy

*carbon copy issued as per
order in G.A 8/2024
dated 26.3.24*

[Signature]
Fair Copy Superintendent