

**THOTTATHIL B.RADHAKRISHNAN  
&  
C.T.RAVIKUMAR, JJ.**

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R.F.A.Nos.589 & 655 OF 2011  
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Dated this the 30<sup>th</sup> day of September, 2011

**ORDER**

Thottathil B.Radhakrishnan,J.

1. We have heard the learned senior Adv.Sri.Vaidyanathan on behalf of the appellants in RFA.655/11, learned senior Advocate Sri.N.Sukumaran on behalf of the appellants in RFA.655/11 and learned senior Advocates Sri.S.Sreekumar and Sri.D.Krishnanunni for the contesting respondents in both appeals. At our request, learned Advocate General had also made a statement.
2. We record the statement on behalf of the State Government that it has no particular interest in either of the two factions and the utmost importance that the State would give is to ensure that peace and tranquility prevails and law and order

is maintained. This, of course, is the first among the foremost duties of the State.

3. As noted in the order dated 20.9.2011 in RFA.589/11, by an earlier order dated 6.9.2011, the request of the plaintiffs for stay of the impugned decree was refused. Fundamentally, the suit having been dismissed and the operative portion of the judgment of the court below being only regarding handing over the keys to a particular faction on the basis of the decision it rendered, the order of stay that is refused is against any further execution of the decree, even if it is an executable one. The application for interim relief that was originally made in RFA.589/11 contained composite requests for stay of execution and also for relief by way of continuing status quo. We had considered that application, I.A.2720/11, on 20.9.2011 and minuted that the Bench did not find any justification for granting an order of stay in terms of its order dated 6.9.2011. While we did not express as to whether the request of the appellants in RFA.589/11 to

maintain status quo stood rejected by the orders rendered in that appeal on 6.9.2011 and 20.9.2011, in so far as the present request in I.A.3023/11 in RFA.655/11 is concerned, the parties say that the Government have intervened in the matter and by signed decision issued by the District Collector on 18.9.2011, the Government wanted 15 days' time and it requested both parties to exclude themselves from any fasting or other activities. We are told by the learned senior counsel appearing for the contesting respondents that a sub committee has been constituted by the Government to look into the matter. We are clear in our mind that peaceful modes of conciliation of such litigation should be the first priority rather than carrying out an adjudicatory process by treating this matter an adversarial litigation and render the judgment. The history of the litigation in this church itself tends to show that the parties would only conclude their controversies and disputes otherwise than by decrees being passed by courts. The larger question on differences between the factions touching

temporal aspects as also the other issues in relation to the different parish churches are matters that could be open for appropriate re-conciliation modes for settlement.

Hence, recording the offer of both the parties to participate in the negotiations with the Government through its sub committee, we direct that these appeal be listed for further consideration on 2.11.2011, obviously requiring both parties to desist from any activity which would be detrimental to the peace and tranquility being maintained in the area. We urge both the parties to do the needful to come to a peaceful solution through re-conciliation. To enable this process, the parties will maintain good relationship even at the individual level.

Sd/-  
THOTTATHIL B.RADHAKRISHNAN,  
Judge.

Sd/-  
C.T.RAVIKUMAR,  
Judge.