

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MRS. JUSTICE M.R.ANITHA

Friday, the 4th day of November 2022 / 13th Karthika, 1944

RSA NO. 656 OF 2022

OS 106/2015 OF ADDITIONAL SUB COURT, KOTTAYAM

AS 36/2021 OF V ADDITIONAL DISTRICT COURT , KOTTAYAM

APPELLANTS IN RSA-APPELLANTS IN AS 36 OF 2021 AND RESPONDENT NO.5 & 6 IN AS.NO.59 OF 2021,AS.NO.62 OF 2021, AS NO.65 OF 2021,AS.NO.95 OF 2021,AS.NO.89 OF 2021,AS.NO.6 OF 2022 & AS.NO.7 OF 2022/DEFENDANTS NO.1 & 2 IN SUIT:

1. THE METROPOLITAN ARCHBISHOP, THE ARCHEPARCHY OF KOTTAYAM, CATHOLIC METROPOLITAN'S HOUSE, KOTTAYAM-686 001, THE PRESENT METROPOLITAN ARCHBISHOP IS MOST REV. MAR MATHEW MOOLAKKATT.
2. THE ARCHEPARCHY OF KOTTAYAM, CATHOLIC METROPOLITAN HOUSE, PB NO.71, KOTTAYAM, KERALA-686 001, REPRESENTED BY THE METROPOLITAN ARCHBISHOP.

BY ADVS.P.B.KRISHNAN,P.B.SUBRAMANYAN,SABU GEORGE,MANU VYASAN
PETER,ABRAHAM BABU KALLIVAYALIL,JACOB E.SIMON

RESPONDENTS IN RSA-RESPONDENTS NOS.1 TO 9 & ADDL.RESPONDENTS NO.10 TO 29 IN AS.NO.36 OF 2021,RESPONDENTS NO.1 TO 4 & RESPONDENTS NO.7 TO 11 IN AS.NO.59 OF 2021,RESPONDENTS NO.1 TO 4 & RESPONDENTS NO.7 TO 11 IN AS.NO.62 OF 2021,RESPONDENTS NO.1 TO 4 & RESPONDENTS NO.7 TO 11 IN AS.NO.65 OF 2021,RESPONDENTS NO.1 TO 4 &RESPONDENTS NO.7 TO 10 IN AS.NO.95 OF 2021,RESPONDENTS NO.1 TO 4 & RESPONDENTS NO.7 TO 11 IN AS.NO.89 OF 2021,RESPONDENTS NO.1 TO 4 & RESPONDENTS NO.7 TO 11 IN AS.NO.6 OF 2022,RESPONDENTS NO.1 TO 4 & RESPONDENTS NO.7 TO 11 IN AS.NO.7 OF 2022,CROSS OBJECTORS AND RESPONDENTS NO.3 TO 8 IN CROSS-OBJECTION IN AS.NO.36 OF 2021,APPELLANT IN AS.NO.59 OF 2021,APPELLANT IN AS.NO.62 OF 2021,APPELLANTS IN AS.NO.65 OF 2021,APPELLANT IN AS.NO.95 OF 2021,APPELLANTS IN AS.NO.89 OF 2021,APPELLANT IN AS.NO.6 OF 2022 AND APPELLANTS IN AS.NO.7 OF 2022/PLAINTIFFS,DEFENDANTS NO.3 TO 7 AND NOT PARTIES TO SUIT.:

1. KANAYA CATHOLIC NAVEEKARANA SAMITHY, VALTHARN BUILDING (NEAR VILLAGE OFFICE), KUMARAKOM PO., KOTTAYAM, PIN - 686563. REP. BY ITS PRESIDENT WHO IS ALSO RESPONDENT NO.2.
2. T.O. JOSEPH ,AGED 70, S/O. OUSEPH, THOTTUMKAL HOUSE, KANNANKARA P O., THANNERMUKKAM NORTH VILLAGE, CHERTHALA TALUK, ALAPPUZHA DISTRICT. PIN - 688527.
3. LUKOSE MATHEW K., AGED 65, S/O.MATHEW, KUNNUMPURATHU HOUSE, KURICHITHANAM P.O., KURICHITHANAM VILLAGE, MEENACHIL TALUK, KOTTAYAM DISTRICT. PIN-686635.
4. C.R. PUNNEN, AGED 68, S/O. KURUVILLA , CHIRAYIL HOUSE, ATHIRAMPUZHA P O., KOTTAYAM TALUK, KOTTAYAM DISTRICT, PIN - 686562. REP. BY HIS POWER OF ATTORNEY HOLDER V.C. MATHAI.
5. THE MAJOR ARCH BISHOP, SYRO MALABAR MAJOR ARCHIEPISCOPAL CHURCH, MOUNT ST. THOMAS, KAKKANAD P O., P.B. NO.3110, KOCHI, THE PRESENT MAJOR ARCHBISHOP IS HIS BEATITUDE MAR GEORGE CARDINAL ALENCHERRY. PIN - 682030.

6. SYNOD OF THE BISHOP OF THE SYRO MALABAR MAJOR ARCHIEPISCOPAL CHURCH, MOUNT ST. THOMAS, KAKKANAD P O., P.B. NO. 3110, KOCHI, REP.BY ITS SECRETARY. PIN - 682030.
7. CONGREGATION FOR THE ORIENTAL CHURCHES VIA DELLA CONCILIAZIONE 34, 00193, ROMA, ITALY, REP.BY ITS PREFECT.
8. CONGREGATION FOR THE DOCTRINE OF FAITH PIAZZA DEL S.UFICIO-II, 00139, ROMA, ITALY, REP.BY ITS PREFECT.
9. KNANAYA CATHOLIC CONGRESS, KOTTAYAM, REP. BY PRESIDENT STEPHEN GEORGE, S/O. GEORGE, VELIYATH HOUSE, KURUMULLOOR P.O, ONAMTHURUTHU VILLAGE, KOTTAYAM. PIN - 686632.
10. JOHNY KURUVILLA, AGED 69, S/O. P.P.KURUVILLA, PADICKAMYALIL HOUSE, KADAPLAMATTAM P.O., KOTTAYAM. NOW RESIDING AT T.C.12/1773/4, MULAVANA, KUNNUKUZHY, THIRUVANANTHAPURAM DISTRICT, PIN - 695034.
11. DOMINIC SAVIO, AGED 63, S/O. V.C. KURUVILLA, VACHACHIRAYIL, KUZHIMATTOM P.O., PANACHIKKADU, KOTTAYAM DISTRICT. PIN - 686533.
12. BENNY JACOB, AGED 56, S/O. E.K.CHACKO, ILLICKAL HOUSE, CHUNKOM KARA, KOLANI P.O., IDUKKI DISTRICT, PIN - 685608.
13. BIJU UTHUP, AGED 62 YEARS, S/O. UTHUP, RESIDING OF 62, 10TH MAIN, 7TH CROSS, HORAMAVU ROAD, NANDANAM COLONY, BANGALORE-560043.
14. JAMES JOSEPH K, AGED 62 YEARS, S/O. JOSEPH, KATTUVEETIL HOUSE, NAGAMPADOM, NATTASSERY KARA, PERUMPAIKADU VILLAGE, KOTTAYAM TALUK, KOTTAYAM DISTRICT, PIN-686002.
15. KNANAYA ROYAL COMMUNITY, REPRESENTED BY ITS MANAGING TRUSTEE JOSE THOMAS, AGED 54 YEARS, S/O THOMAS, ENNAMPLASSERIL HOUSE, UZHAVOOR PO, UZHAVOOR KARA, UZHAVOOR VILLAGE, MEENACHIL TALUK, KOTTAYAM. PIN - 686634.
16. JOYAN P.SAIMON, AGED 50 YEARS, S/O. P.J. SAIMON, POWAT, KUMARAKOM P.O, KUMARAKOM VILLAGE, KOTTAYAM -686563.
17. TOBIN GEORGE, AGED 48 YEARS, S/O. GEORGE JOSEPH, MELUVALLIL HOUSE, KUMARAKOM P.O., KUMARAKOM VILLAGE, KOTTAYAM-686563.
18. PHILU THOMAS, AGED 47, S/O.THOMAS, HOUSE NO. 145-43, THOMAS LAY OUT (BLOCK), CARMILARAM POST, BANGALORE URBAN DISTRICT, BANGALORE SOUTH TALUK, BANGALORE - 560035.
19. ALEX J VICTOR, AGED 41 YEARS, D-102, CONCORDE MIDWAY CITY APTS, HOTSIA ROAD, BASAPURA VILLAGE, BANGALORE - 560074.
20. SIBY JOSE, AGED 48 YEARS, #409/5, 20TH D CROSS, EJIPURA MAIN ROAD, VIVEKANANGER POST, BANGALORE, PIN - 560047.
21. SUNNY KURUVILLA, AGED 65 YEARS, #242, ASHIANA, 6TH MAIN, 7TH CROSS, ST BED KORMANGALA, 4TH BLOCK, BANGALORE-560034.
22. ROBY K KUNJOONJU, AGED 56 YEARS, 17/A, 12TH MAIN, SECTOR-1, NOBONAGAR, BANGALORE, PIN - 560076.
23. CYRIAC THOMAS, AGED 47 YEARS, NO. 32, 1ST FLOOR, 6TH CROSS BHAVANINAGAR, S-G PALAYA, DRC POST, BANGALORE. PIN - 560029.
24. REJI C JOSEPH, AGED 57 YEARS, NO. 24, TRINITY HOME, S G PALAYA, CV RAMAN NAGAR, BANGALORE. PIN - 560029.
25. CYRIAC JOSEPH, AGED 52 YEARS, SOBHA DALIYA, OUTER RING ROAD, BELLANDOOR, BANGALORE. PIN - 560103.
26. JOJI GEORGE, AGED 40 YEARS, G-201, HOLYHOK APARTMENTS, DADDYS SOUTH BOURG LAYOUT, HEBBAGODY, BANGALORE - 560099.
27. SANTHOSH SIMON, AGED 42 YEARS, C-002, DADDY'S DALIYA, DADDYS SOUTH

- BOURG LAYOUT, HEBBAGODY, BANGALORE - 560099.
28. SIBIMON JOSE, AGED 56, THOTTAPLAKKIL HOUSE, LAKE VIEW ENCLAVE LAYOUT, SEEG HALLI, VIRGNONAGAR, BANGALORE-49.
 29. TIBIN THOMAS, SECRETARY, KNANAYA GLOBAL PARLIAMENT, CHETTAI.COM, XII/ 203 A, PERUMBAIKKADU VILLAGE, S.H MOUNT P O, KOTTAYAM. PIN - 686006.
 30. THE KNANAYA SAMUDAYA SAMRAKSHANA SAMITHI (KSSS), REP. BY ITS PRESIDENT, ABRAHAM NADUVATHARA, AGED 72, S/O N.I. ABRAHAM, RESIDING AT NADUVATHARA HOUSE, PEROOKADA P.O., THIRUVANANTHAPURAM DISTRICT. PIN - 695005.
 31. LAMBOCHAN MATHEW, AGED ABOUT 61 YEARS, S/O LATE P.C. MATHEW, PANNIVELIL HOUSE, KADUTHURUTHY KARA, KADUTHURUTHY VILLAGE, VAIKOM TALUK, KOTTAYAM DISTRICT. PIN - 686604.
 32. JOSE MATHEW, AGED ABOUT 54 YEARS, S/O LATE P.K MATHAI, ARUPARAYIL HOUSE, PEROOR P.O., KOTTAYAM DISTRICT, PIN - 686637.
 33. PHILIP CHACKO, AGED ABOUT 66 YEARS, S/O LATE K.U CHACKO, KUSUMALAYAM HOUSE, KUMARAKOM P.O., KOTTAYAM DISTRICT. PIN - 686563.
 34. KNANAYA CATHOLIC CONGRESS, KOTTAYAM, REP. BY ITS PRESIDENT, THOMAS K.L., AGED 70 YEARS, S/O LUKA, ERUMELIKKARA, PURAPPUZHA, VAZHITHALA P.O., PURAPPUZHA VILLAGE, THODUPUZHA TALUK, IDUKKI DISTRICT, PIN - 685583.
 35. THOMAS VATTAKKALAM, AGED ABOUT 65 YEARS, S/O CHANDY CHACKO, MEMBER, KNANAYA GLOBAL FORUM, NOW RESIDING AT VATTAKKALAM HOUSE, KOLANI P.O., THODUPUZHA, IDUKKI DISTRICT, PIN - 685608.
 36. JOSE M.J., AGED ABOUT 51 YEARS, S/O JOSEPH, MEMBER, KNANAYA GLOBAL FORUM, NOW RESIDING AT A 14/F-1,2, DILSHAD COLONY, JHILMIL H.O., EAST DELHI, DELHI FROM MECHERY HOUSE, VELLANIKKARA P.O., THRISSUR TALUK, THRISSUR DISTRICT, REP. BY POA HOLDER THOMAS VATTAKKALAM, AGED ABOUT 65 YEARS, S.O CHANDY CHACKO, VATTAKKALAM HOUSE, KOLANI P.O., THODUPUZHA, IDUKKI DISTRICT. PIN -685608.
 37. TOMY THOMAS, AGED 60 YEARS, S/O THOMAS, MEMBER, KNANAYA GLOBAL FORUM, NOW RESIDING AT 2208 CLUBHOUSE DRIVE, PLANT CITY, FLORIDA, 33566, USA, FROM MYALKARAPURATHU HOUSE, MARIKA P.O., KOOOTHATTUKULAM, ERNAKULAM DISTRICT, REP. BY POWER OF ATTORNEY HOLDER, SHAJU JOHN, AGED 58, S/O K.M. JOHN, ANCHAKUNNATH HOUSE, UZHAVOOR P.O., UZHAVOOR VILLAGE, MEENACHIL TALUK, KOTTAYAM DISTRICT, PIN - 686634.
 38. JOY MATHEW, AGED 52 YEARS, S/O CHACKO MATHEW, MEMBER, KNANAYA GLOBAL FORUM, NOW RESIDING AT 2822, WEST PEBBLE BEACH DRIVE, MISSOURI CITY, TEXAS - 77459, USA, FROM VELLAMTHADATHIL HOUSE, PUTHUVELY P.O., KOTTAYAM DISTRICT, PIN 686636. REP. BY POWER OF ATTORNEY HOLDER SHAJU JOHN, AGED 58, S/O K.M. JOHN, ANCHAKUNNATH HOUSE, UZHAVOOR P.O., UZHAVOOR VILLAGE, MEENCHIL TALUK, KOTTAYAM DISTRICT, PIN - 686634.
 39. SONNY JOSEPH, AGED 67, S/O JOSEPH POOZHICALA, MEMBER, KNANAYA GLOBAL FORUM, NOW RESIDING AT 2453, TESLA CRES, OAKVILLE ONTARIO, CANADA L6H7T6 FROM POOZHICALA HOUSE, KIDANGOOR SOUTH P.O., KOTTAYAM, REP. BY POWER OF ATTORNEY HOLDER THOMAS VATTAKKALAM, AGED 64, S/O CHANDY CHACKO, VATTAKKALAM HOUSE, KOLANI P.O., THODUPUZHA, IDUKKI DISTRICT, PIN-685608.
 40. JIMMI CHERIAN, AGED 62, S/O CHERIAN MOZHIKODATHU, MEMBER, KNANAYA

GLOBAL FORUM, NOW RESIDING AT 65 KNUTTON CRESCENT, SHEFFIED, S5, 9NX, UK FROM MOZHIKODATHU HOUSE, ERAVIMANGALAM P.O., VAIKOM, KOTTAYAM, REPRESENTED BY POWER OF ATTORNEY HOLDER STANLEY KURIAN, AGED 60, S/O KURIAN RESIDING AT KONNANICKAL HOUSE, MULAKULAM P.O., MULAKKULAM VILLAGE, PERUVA, KOTTAYAM. PIN - 686610.

41. SOBAN THOMAS, AGED 42, S/O P.A. THOMAS, MEMBER, KNANAYA GLOBAL FORUM, NOW RESIDING AT 26, MACKELLAR AVENUE, WHEELERS HILL, VIC - 3150, MELBOURNE, AUSTRALIA, FROM POOZHIKUNNEL HOUSE, PERUMPAIKKADU P.O., KOTAYAM, REPRESENTED BY POWER OF ATTORNEY HOLDER, SHAJU JOHN, AGED 58, S/O K.M. JOHN, ANCHAKUNNATH HOUSE, UZHAVOOR P.O., UZHAVOOR VILLAGE, MEENACHIL TALUK, KOTTAYAM DISTRICT, PIN - 686634.
42. SHIBU PAUL, AGED 48 YEARS, S/O M C PAUL, MEMBER, KNANAYA GLOBAL FORUM, NOW RESIDING AT VIA GORGONA 48, ROMA, ITALY, FROM MANITHOTTIYIL HOUSE, MEMURY P.O., KURUPPANTHARA, KOTTAYAM DISTRICT, REPRESENTED BY POWER OF ATTORNEY HOLDER STANLEY KURIAN, AGED 60, S/O KURIEN, RESIDING AT KOANICKAL HOUSE, MULAKULAM P.O., MULAKKULAM VILLAGE, PERUVA, KOTTAYAM. PIN - 686610.
43. FR. BYJU MATHEW ALIAS BYJU MUKALEL, AGED ABOUT 43 YEARS, S/O M L MATHAI, MSP SEMINARY, S.H MOUNT P.O., KOTTAYAM DISTRICT, PIN - 686006.
44. CHACKO THEKKEDATH JOSEPH, AGED 71, S/O JOSEPH, RESIDING AT THEKKEDATH HOUSE, MANAKKAD P.O., CHUNGAM KARA, THODUPUZHA VILLAGE, IDUKKI DISTRICT, PIN - 685608.
45. LUKOSE P.U., MEMBER, KNANAYA CATHOLIC CONGRESS OF CENTRAL FLORIDA(KCCCF), AGED ABOUT 77 YEARS, S/O ULAHANNAN, RESIDING AT PATTARAPARAMBIL HOUSE, THELLAKOM P.O., ADICHIRA, PERUMBAIKKADU VILLAGE, KOTTAYAM DISTRICT, NOW RESIDING AT 7125, COLONIAL LAKE DRIVE, RIVER VIEW, FLORIDA, 33578, USA.

R2 BY ADVS.KALEESWARAM RAJ,THULASI K. RAJ,SHILPA SOMAN,

This Regular second appeal having come up for orders on 04.11.2022, the court on the same day passed the following:

M.R.ANITHA, J.

R.S.A.No.656 of 2022

Dated this the 4th day of November, 2022

ORDER

When the appeal came up for admission, learned counsel for the caveator/respondents 1 and 2 seeks three weeks time for hearing.

2. Learned counsel for the appellants presses for an interim arrangement, in the meantime.

3. O.P.(C)No.1451/2021 was filed challenging the interim order in A.S.No.36/2021 on the file of Additional District Court-V, Kottayam, staying execution of the decree in O.S.No.106/2015 of the Additional Sub Court, Kottayam. The present R.S.A is against the judgment and decree in A.S.No.36/2021. The relevant portion of the direction of the judgment dated 01.11.2021 in O.P.(C)No.1451/2021 reads as follows:

- (i) If any member of a church under the Kottayam Archeparchy wishes to marry a Catholic from another diocese, he/she can make a request to respondents 1 and 2 for issuance of Vivaha Kuri or no objection certificate.

On receipt of the request, respondents 1 and 2 shall issue the Vivaha Kury or no objection certificate, without insisting on any letter of relinquishment of that person's membership with the Kottayam Archeparchy. The question whether the person has forfeited his/her membership in the Kottayam Archeparchy on account of the marriage will depend upon and abide by the judgment in the appeal.

4. Both sides agree to maintain the direction No.(i) in the judgment in O.P.(C)No.1451/2021 dated 01.11.2021.

5. Hence, there will be an order to maintain the above referred direction No.(i) till the next posting date in the matter of execution of the impugned judgment and decree.

Post after three weeks.

Sd/-

M. R. ANITHA

JUDGE

shg/