

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Civil Appeal No. _____ of 2026
[@ Special Leave Petition (C) No.943 of 2022]

**Thattayil Orippurarth
Bhagavathy Devaswom & Ors.**

....Appellants

Versus

Gopalakrishnan & Ors.

....Respondent

O R D E R

Leave granted.

2. There has been a concerted attempt to unseat the administrators of the first appellant temple, which has been resisted stoutly by the appellants. There are various proceedings initiated by different persons, which we need not go into here, since we are only concerned with the condonation of delay allowed by the High Court, by the impugned order in a Regular First Appeal.

3. We heard Sri Gagan Gupta, learned Senior Counsel appearing for the appellants and Sri V. Chitambaresh, learned Senior Counsel appearing for the respondents.

4. A scheme suit was filed numbered as OS No.132 of 1997, which was dismissed by an elaborate judgment as seen from Annexure P1. The Subordinate Judge found that there is no reason to settle a scheme, since there was proper administration of the temple and also noticed the contention of the contesting defendants that there was an

earlier suit filed in which the very same prayer was sought, which suit was later abandoned.

5. As we noticed, there were other proceedings also which too turned futile. With a delay of 1381 days, some of the plaintiffs filed an RFA in which the impugned order was passed. The affidavit accompanied the application for condonation of 1381 days delay only speaks of several discussions having been carried out after the suit was dismissed to settle the matter amicably. We cannot comprehend, why discussions should be carried out after the suit for settlement of a scheme was dismissed. In any event, there is no cause for the administrators of the temple to participate in any such discussions. The mere fact of discussions having been proceeded with amongst the people who were contesting the claim of the administrators, cannot be a valid reason for the delay occasioned, that too of 1381 days.

6. We also have to notice that the learned Single Judge after noticing that there is no sufficient reason to condone the delay, purportedly to advance justice, a liberal view was taken. In fact, we are of the opinion that such proceedings to disrupt a valid administration would only serve in advancing injustice. We hence are of the opinion that the impugned order was not in advancement of justice and would only visit the appellants with undue hardship and prejudice the temple itself.

7. We, hence, reverse the order of the learned Single Judge and find the delay to be unexplained. The appeal stands allowed.

8. Pending applications, if any, shall stand disposed of.

..... J.
(J. B. PARDIWALA)

..... J.
(K. VINOD
CHANDRAN)

NEW DELHI;
JULY 27, 2026.

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 943/2022

[Arising out of impugned final judgment and order dated 16-12-2021 in CMA No. 39/2015 passed by the High Court of Kerala at Ernakulam]

THATTAYIL ORIPPURARTH BHAGAVATHY DEVASWOM & ORS.

Petitioner(s)

VERSUS

GOPALAKRISHNAN & ORS.

Respondent(s)

Date : 27-07-2026 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :Mr. Gagan Gupta, Sr. Adv.

Mr. K. Rajeev, AOR

Ms. Niveditha R Menon, Adv.

Mr. Aditya Verma, Adv.

Mr. Tarun Kumar, Adv.

For Respondent(s) :Mr. V. Chitambaresh, Sr. Adv.

Mr. Lakshmeesh S. Kamath, AOR

Mrs. Samriti Ahuja, Adv.

Ms. Aditi Prakash, Adv.

Ms. Anushka Singhal, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. Leave granted.
2. The appeal stands allowed in terms of the signed order placed on the file.
3. Pending applications, if any, shall stand disposed of.

(SACHIN KUMAR SRIVASTAVA)

COURT MASTER (SH)

(POOJA SHARMA)

COURT MASTER (NSH)