

ITEM NO.44

COURT NO.2

SECTION XI-A

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

Civil Appeal No(s).254/2011

REVATHI NAL P. RAMAVARAMA RAJA & ANR.

Appellant(s)

VERSUS

STATE OF KERALA & ORS.

Respondent(s)

(Matter released from Part-Heard)

IA No.146859/2019 - APPLICATION FOR SUBSTITUTION

IA No.83110/2019 - APPLICATION FOR SUBSTITUTION

IA No.146860/2019 - CONDONATION OF DELAY IN FILING SUBSTITUTION
APPLN.

IA No.10066/2020 - INTERVENTION APPLICATION

IA No.10532/2020 - INTERVENTION/IMPLEADMENT

IA No.9360/2020 - INTERVENTION/IMPLEADMENT

Date : 07-02-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA

HON'BLE MR. JUSTICE AJAY RASTOGI

HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Appellant(s) Ms. Kiran Bhardwaj, AOR

Mr. J.Sai Deepak, Adv.
Mr. Suvidutt M.S., Adv.
Mr. Vibhor Ahlawat, Adv.
Mr. Avinash Sharma, Adv.
Mr. Ankit Tripathi, Adv.
Ms. Smita Pandey, Adv.
Mr. Yogesh Kumar, Adv.
Mr. Abhijeet Singh, Adv.

For Respondent(s) Mr. K.K.Venugopal, AG

For State of Mr. G.Prakash, Adv.

Kerala Mr. Jishnu M.L., Adv.

Mrs. Priyanka Prakash, Adv.
Mrs. Beena Prakash, Adv.

Mr. K.Radhakrishnan, Sr.Adv.

Mr. Rupesh Kumar, AOR

Ms. Pankhuri Shrivastava, Adv.

Ms. Neelam Sharma, Adv.

Mr. Rajeev Sharma, Adv.

Mr. Anand Kannan, Adv.

Mr. C. K. Sasi, AOR

Mr. P. S. Sudheer, AOR
Mr. Rishi Maheshwari, Adv.
Mrs. Mayuri Nayyar Chawla, Adv.
Ms. Anne Mathew, Adv.
Mr. Bharat Sood, Adv.
Ms. Shruti Jose, Adv.

Mr. K. V. Mohan, AOR

Mr. P. V. Dinesh, AOR
Ms. Sindhu T.P., Adv.
Mr. Mukund P. Unny, Adv.
Mr. Bineesh K., Adv.
Mr. Ashwini Kumar Singh, Adv.

Mr. Sudheesh K.K., Adv.
Mr. Sayooj Mohandas, Adv.
Mr. Sethu, Adv.
Mr. Vishal Arun, AOR

UPON hearing the counsel the Court made the following
O R D E R

I.A. No.10532 of 2020 is allowed.

On 05.02.2020 Mrs. Kiran Bhardwaj, learned counsel for the appellants submitted that she received a E-mail on 14.01.2020 from Mr. Narayana Varma, Secretary of Pandalam Palace, seeking no objection for engaging a different counsel by name Mr. Suvidutt M.S. According to the learned counsel, no one turned up to take No Objection Certificate (NOC), despite her willingness.

In view of the said statement, we passed an order on 05.02.2020 directing Mr. Suvidutt M.S, Advocate to remain present in Court on the next date of hearing. Accordingly, he is present in Court today.

Mrs. Kiran Bhardwaj, learned counsel for the appellants agrees to give no objection to Mr. Suvidutt M.S. to appear for appellant No.2. However, the learned counsel has an objection with

regard to the NOC for appellant No.1. According to the learned counsel, the signature affixed by appellant No.1 on the communication dated 14.01.2020 does not tally with the signature in the Vakalatnama given to her. Therefore, the learned counsel suspects the genuineness of the signature of the appellant No.1. The appellant No.1 is stated to be nearly 100 years old and according to the learned counsel, he is ailing and taking treatment in a hospital.

However, Mr. Suvidutt M.S., learned counsel states that appellant No.1 is not sick and that he is even prepared to come to Delhi. Therefore, he asserts that the signature of the first appellant was also genuine.

Considering the nature of the controversy raised, we do not think that we should drag a 100 years old person to this Court at Delhi. Rather we would choose a process where a verification can be made without discomfort to anyone. Accordingly, we direct the first appellant to appear before the Principal District Judge, Pathanamthitta District. The Principal District Judge shall examine appellant No.1 on oath and put questions to him to find out whether he sought to engage Mr. Suvidutt M.S, learned Counsel, in the place of Mrs. Kiran Bhardwaj. After taking his statement on oath, the Principal District Judge shall forward a report to this Court within three weeks, indicating whether appellant No.1 did infact want to replace Mrs. Kiran Bhardwaj by Mr. Suvidutt M.S. The report shall be in a sealed cover.

Mr. K.K. Venugopal, learned Attorney General appearing for the State of Kerala brought to our notice one more issue to be

resolved. According to the learned Attorney General, there are certain items of jewellery in the custody of appellant No.1 and that a proper inventory has to be taken and appropriate security should be provided.

However, it is contended by Mr. K. Radhakrishnan, learned Senior Counsel appearing for the members of the Pandalam Royal Family who now seek to implead themselves as parties to the Civil Appeal, that the items of jewellery referred to by the learned Attorney General belong to the Royal Family and that the State of Kerala cannot seek an inventory.

It is obvious that there is a dispute as to whether the items of jewellery referred to by the State of Kerala belong to the Royal Family or to the deity. But that is a larger issue to be resolved after hearing all the parties. For the present, we are of the view that no prejudice would be caused if an inventory is taken and if measures for securing the jewellery are examined.

The learned Attorney General produced a list containing the names of 16 items of jewellery. But this list does not contain the full description with regard to the weight, measurement, the percentage of purity of metal etc.

Irrespective of whether these items of jewellery belong to the Royal Family or to the deity, a proper inventory is a necessity. Since it is not possible for this Court to directly appraise these jewellery, we deem it fit to appoint a retired Judge of the Kerala High Court with a request to him to engage the services of a reputed jewel appraiser. Accordingly, we appoint Hon'ble Mr. Justice C.N. Ramachandran Nair, retired Judge of the

Kerala High Court to undertake this task. We request the learned Judge to identify a very highly reputed and trustworthy jewel appraiser, well-experienced in the field. In his presence the learned Judge shall have these 16 items of jewellery appraised through the said Jewel appraiser for their weight, other measurements, purity of metal (such as number of carats etc). Once such an appraisal is done, the learned Judge shall submit a report to this Court in a sealed cover. It is not necessary to indicate the value of these jewellery. While submitting a report, the learned Judge may also suggest to the Court, the security measures that could be taken either by the Royal family, if the jewellery is held to belong to them, or by the Devaswom Board, if the jewel is held ultimately to belong to the deity. The Learned Judge shall make it clear to the Jewel appraiser that a high degree of confidentiality is to be maintained and that the contents of the report shall remain confidential, so that there are no security risks.

The list of items submitted by the learned Attorney General, in respect of which the appraisal is to be made, is as follows:

List of Thiruvabharanams

No.	Item	Material	Number
1.	Face Cover	Gold	1
2.	Prabha Mandalam	Gold	1
3.	Sword (large)	Gold	1
4.	Sword (small)	Gold	1
5.	Pot	Gold	1
6.	Elephant (large) - Tusk (silver)	Gold	1
7.	Elephant (small)- Tusk (silver)	Gold	1
8.	Diamond ring	Gold	1

9.	Tiger	Gold	1
10.	Plaque	Gold	1
11.	Female Statue	Portion above neck is gold and the rest is silver	1
12.	Conch (Covering silver)		1
13.	Thidampu	Gold	1
14.	Flag (Red)	Gold	1
15.	Flag (Black)	Gold+ Silver	1
16.	Mezhuvattakkuda		2

List the matter after four weeks for submission of Report.

We direct the State of Kerala to pay the learned Judge Rs.1 lakh as remuneration and for expenses, as a tentative measure. A more detailed determination of the fees and expenses for the present activity will be undertaken on the next date of hearing.

Taking into consideration the ancient history of the temple and the faith of millions of devotees, we request Shri K.K. Venugopal, learned Attorney General, to explore the possibilities of an amicable settlement.

(SATISH KUMAR YADAV)
AR-CUM-PS

(RAJ RANI NEGI)
ASSISTANT REGISTRAR