

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN
&
THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH**

THURSDAY, THE 8TH DAY OF OCTOBER 2015/16TH ASWINA, 1937

RCRev..No. 5 of 2012 ()

**AGAINST THE ORDER/JUDGMENT IN RCA 17/2010 of RENT CONTROL APPELLATE
AUTHORITY, KASARAGOD DATED 16.3.2011**

**AGAINST THE ORDER/JUDGMENT IN RCP 1/2010 of RENT CONTROL COURT,
KASARAGOD DATED 28.6.2010.**

**REVISION PETITIONER/RESPONDENT IN RCA 17/10 AND APPELLANT IN RCA
19/10/RESPONDENT IN RCP:**

**P.V.CHANDRAN
MANAGING PARTNER, KERALA TRANSPORT COMPANY
HEAD OFFICE, YMCA ROAD, KOZHIKODE.**

**BY ADVS.SRI.V.V.ASOKAN
SMT.RUKHIYABI MOHD KUNHI
SMT.M.RAMANYA GAYATHRI**

**RESPONDENT/APPELLANT IN RCA 17/10 AND RESPONDENT IN RCA 19/10/PETITIONER IN
RCP:**

**B.K.YOUSUF
S/O.LATE KUNHAMOO, BAPALIPONAN, MUGU VILLAGE
KASARGODE,
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER - M.A.AHAMAD
S/O.OF M.ABDULLAKUNHI HAJI, THAYALANGADI
KASARGODE POST, KASARGODE- 671 321.**

**BY ADVS. SRI.D.KRISHNA PRASAD
SMT.O.K.SANTHA
SMT.S.SANTHY**

**THIS RENT CONTROL REVISION HAVING BEEN FINALLY HEARD ON 08-10-2015,
ALONG WITH RCR. 389/2012, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

P.N.RAVINDRAN & BABU MATHEW P. JOSEPH, JJ.

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R.C.R.Nos.5 & 389 of 2012

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Dated this the 8th day of October, 2015

ORDER

P.N.Ravindran, J.

These revision petitions under section 20 of the Kerala Buildings (Lease and Rent Control) Act, 1965 (hereinafter referred to as "the Act" for short) arise from R.C.P.No.1 of 2010 on the file of the Rent Control Court, Kasaragod. The petitioner in R.C.R.No.5 of 2012 is the tenant and the petitioner in R.C.R.No.389 of 2012 is the landlord therein. R.C.P.No.1 of 2010 filed by the landlord under section 5 of the Act for fixation of the fair rent was allowed by order passed on 28.6.2010 and the fair rent for the petition schedule shop room was fixed at the rate of Rs.2,000/ per mensem. Challenging that order the landlord filed R.C.A.No.17 of 2010 and the tenant filed R.C.A.No.19 of 2010. The appeals were disposed of by a common judgment delivered on 16.3.2011. By that judgment, R.C.A.No.17 of 2010 filed by the landlord was allowed and the fair rent was enhanced to Rs.3,000/- with effect from the date on which R.C.P.No.1 of 2010 was filed. R.C.A.No.19 of 2010 filed by the tenant challenging the fixation of fair

rent was dismissed. Both parties have, aggrieved thereby, filed these revision petitions.

2. When these revision petitions came up for hearing before this court on 27.7.2015, the parties were referred to mediation. After mediation, the parties have settled their disputes and differences out of court. A memorandum of agreement dated 17.9.2015 signed by both parties and their counsel has also been placed on record. The memorandum of settlement discloses that the tenant has agreed to pay arrears of rent at the rate of Rs.3,000/- per mensem for the months of June, July, August and September, 2015. By the very same settlement, the tenant has also undertaken to surrender peaceful and vacant possession of the tenanted premises to the landlord on or before 30.9.2015 and hand over the key directly to the landlord.

3. When these revision petitions came up for consideration today, the learned counsel appearing for the tenant submitted that the tenant has surrendered vacant possession of the building to the landlord on 7.10.2015 and has also paid arrears of rent up to and inclusive of September, 2015. The learned counsel appearing for the landlord submitted that the tenant has surrendered vacant possession of the tenanted premises and has also paid the rent and that no rent is

in arrears.

In the light of the settlement arrived at between the parties,
these revision petitions are dismissed as withdrawn.

Sd/-
P.N.RAVINDRAN
JUDGE

Sd/-
BABU MATHEW P. JOSEPH
JUDGE

/true copy/

P.A. To Judge

vpv