

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

RCCRev..No. 142 of 2010

AGAINST THE JUDGMENT IN RCA 89/2008 of VI ADDL.DISTRICT COURT & RENT CONTROL APPELLATE AUTHORITY ERNAKULAM DATED 15-09-2009 AND ORDER IN I.A. NO. 1845 OF 2008 IN R.C.P. NO. 9 OF 2007 OF THE RENT CONTROL COURT, ERNAKULAM.

REVISION PETITIONERS:

1. P.V. VINIL KUMAR, AGED 42,
S/O. LATE VIJAYAN
APSARA RESTAURANT, PULLEPADY JUNCTION
CHITTOOR ROAD, COCHIN.

2. P.V. SHINE KUMAR, AGED 36
S/O. LATE VIVJAYAN,
APSARA RESTAURANT, PULLEPADY JUNCTION
CHITTOOR ROAD, COCHIN.

BY ADVS.SRI.KKM.SHERIF
SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN
SRI.V.R.REKESH

RESPONDENTS:

1. SMT. RAZIYA IQBAL, AGED 52,
W/O. LATE IQBAL, ALUGAPARAMBIL HOUSE
CHITTOOR ROAD, COCHIN.

2. Dr SUHAIL, AGED 31,
S/O. LATE IQBAL
ALUGAPARAMBIL HOUSE
CHITTOOR ROAD, COCHIN.

3. MRS. SUNAYNA,
AGED 27, D/O. LATE IQBAL
ALUGAPARAMBIL HOUSE
CHITTOOR ROAD, COCHIN.

4. TISHANA, AGED 33, D/O. LATE IQBAL
ALUGAPARAMBIL HOUSE
CHITTOOR ROAD, COCHIN.

5. P.V. VIJAYAKUMAR, AGED 34
S/O. LATE VIJAYAN
APSARA RESTAURANT, PULLEPADY JUNCTION
CHITTOOR ROAD, COCHIN.

6. P.V. USHA, AGED 32, D/O. VIJAYAN
APSARA RESTAURANT, PULLEPADY JUNCTION
CHITTOOR ROAD, COCHIN. (DIED)LRS IMPEADED

7. P.V. BEENA, AGED 29
D/O. LATE VIJAYAN,
APSARA RESTAURANT, PULLEPADY JUNCTION
CHITTOOR ROAD, COCHIN.

ADDL. R8 & R9 IMPEADED

ADDL.R8: SUJITH V.G.,AGED 40,
S/O. P.V. USHA, VARVILAKATHA HOUSE
PUTHIYAPOST PO.
KODUNBGALLUR, THRISSUR.

ADDL.R9: SREEJITH V.G. AGED 40
S/O. P.V. USHA,
VARVILAKATHA HOUSE
PUTHIYAPOST PO.
KODUNBGALLUR, THRISSUR.

ADDL.R8 & R9 ARE IMPEADED AS THE LEGAL HEIRS OF THE DECEASED
R6 AS PER ORDER DATED 18.2.2015 IN I.A. NO. 402 OF 2015.

R,R1 TO 4 BY ADV. SRI.N.M.MOHAMMED AYUB

THIS RENT CONTROL REVISION HAVING BEEN FINALLY HEARD ON
05-10-2015 ALON WITH R.C.R. NO. 159 OF 2010, 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. 142 & 159 of 2010

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Dated this the 5th day of October, 2015

COMMON ORDER

P.N. Ravindran,J.

The petitioners in these revision petitions and respondents 5 to 7 herein are the tenants in R.C.P.No.9 of 2007 on the file of the Rent Control Court, Ernakulam. Respondents 1 to 4 herein are the landlords. The tenants were set ex parte on 24.10.2007 and thereupon an order of eviction was passed on 26.10.2007. The tenants thereafter filed I.A.No.9777 of 2007 to set aside the ex parte order of eviction accompanied by I.A.No.1845 of 2008 to condone the delay of 14 days in filing the former application. Both the applications were dismissed by the Rent Control Court by a common order passed on 17.06.2008. Aggrieved thereby, the petitioners herein filed R.C.A.Nos.89 of 2008 and 92 of 2008 joining besides the landlords, the other tenant as respondents. By judgment delivered on 15.9.2009, the appeals were

dismissed. Hence, these revision petitions.

The petitioners have filed separate memos dated 29.8.2015 in these revision petitions to the effect that the tenants have surrendered vacant possession of the petition schedule building in R.C.P.No.9 of 2007 on the file of the Rent Control Court, Ernakulam to the landlords and, therefore, the revision petitions may be dismissed as not pressed. Learned counsel appearing for the landlords submitted that they have obtained vacant possession of the petition schedule premises in R.C.P.No.9 of 2007 on the file of the Rent Control Court, Ernakulam. In such circumstances, these revision petitions are dismissed as not pressed in terms of the memos dated 29.8.2015 filed by the petitioners. Copies of the aforesaid memos shall be appended to this order. No costs.

Sd/-

**P.N. RAVINDRAN
JUDGE**

Sd/-

**BABU MATHEW P. JOSEPH
JUDGE**

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True copy

P.S. (Hr.Gr.)To Judge

