

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE ANTONY DOMINIC  
&  
THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

**WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936**

**RCRev..No. 384 of 2013 ()**  
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**AGAINST THE ORDER/JUDGMENT IN RCA 10/2011 of RENT CONTROL APPELLATE  
AUTHORITY/ADDL.DISTRICT COURT, THALASSERY DATED 24-07-2013**

**AGAINST THE ORDER/JUDGMENT IN RCP 171/2005 of RENT CONTROL COURT/  
(PRINCIPAL MUNSIF) COURT, KANNUR DATED 11-10-10**

**REVISION PETITIONER(S)/APPELLANT/RESPONDENT:**  
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**K.RAMACHANDRAN, S/O.KESAVAN, AGED 63 YEARS  
EMPLOYEE AT CHOIVA CO-OPERATIVE SPINNING MILL  
LINE BUILDING, HOUSE NO.CP-I/537, VALIYANNUR  
P.O.VARAM, KANNUR DISTRICT.**

**BY ADVS.SRI.K.C.SANTHOSHKUMAR  
SMT.K.K.CHANDRALEKHA**

**RESPONDENT(S)/RESPONDENT/PETITIONER:**  
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**K P SOOPI HAJI, AGED 75 YEARS,  
S/O.MOIDEEN, RESIDING AT ELAYAVOOR AMSOM, DESOM  
KANNUR DISTRICT.**

**BY ADV. SRI.K.R.AVINASH (KUNNATH)  
BY ADV. SRI.ABDUL RAOOF PALLIPATH**

**THIS RENT CONTROL REVISION HAVING BEEN FINALLY HEARD ON 04-03-  
2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**ANTONY DOMINIC & ALEXANDER THOMAS, JJ.**  
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**R.C.R. No. 384 of 2013**  
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**Dated this the 4<sup>th</sup> day of March, 2015**

**O R D E R**

Antony Dominic, J.

This revision is filed against the order passed by the Rent Control Court, Kannur in RCP No.171/05, which was confirmed by the Rent Control Appellate Authority in RCA No.10/11. It is aggrieved by these orders, the tenant has filed this revision.

2. We heard the learned counsel for the petitioner and the learned counsel appearing for the respondent landlord.

3. RCP No.171/05 was filed by the landlord seeking fixation of fair rent as provided under Section 5 of the Kerala Buildings (Lease and Rent Control) Act. Admittedly, the building in question was leased out to the tenant in 1989 for a rent of ₹200/- per month. In the petition filed by the landlord on 24/6/05, he sought fixation of fair rent in respect of the building at ₹1000/- per month. Evidence was recorded and the Rent Control Court by its order dated 11/10/10 allowed the RCP and fixed the fair rent at ₹700/- per month with effect from the date of petition. It was this order which was

confirmed by the appellate authority in the appeal filed by the tenant.

4. The main grievance of the tenant now is regarding the liabilities that is fastened on him for the period between the filing of the petition and the date of the order. Having heard the counsel for both sides and also on going through the orders passed by the lower authorities and the evidence adduced by both sides, we are also satisfied that this was a case for fixation of fair rent. However, we feel that in the facts of this case, the Rent Control Court should not have fixed the rent for the period between 24/6/05 when the petition was filed and 11/10/10 at a rate lower than ₹700/-, which has been fixed by it.

5. In the above circumstances, we modify the orders passed by the lower authorities and fix the fair rent in respect of the tenanted premises in the following manner;

(1) For the period from 24/6/2005 till 11/10/10, the fair rent in respect of the building shall be ₹500/- per month.

(2) For the period from 12/10/10, the fair rent shall be ₹700/- per month.

(3) Subject to the above modification, orders passed by the Rent Control Court and the appellate authority are confirmed.

Sd/-  
**ANTONY DOMINIC  
JUDGE**

Sd/-  
**ALEXANDER THOMAS  
JUDGE**

Rp

//True Copy//

PA to Judge