

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

OP (RC).No. 12 of 2015 (O)

AGAINST RCP 63/2011 of RENT CONTROL COURT, THIRUVANANTHAPURAM

PETITIONER(S):

**SASIDHARAN NAIR AGED 70 YEARS
S/O.LATE SIVARAMA PILLAI, RESIDING AT T.C. 8/727
THIRUMALA P.O., THIRUVANANTHAPURAM, PIN - 695 006.**

BY ADV. SRI.D.GANESH KUMAR

RESPONDENT(S):

**KUSUMA KUMARI, AGED 55 YEARS
D/O.VASANATHA KUMARI, MANI BHAVAN, THIRUMALA P.O.
THIRUVANANTHAPURAM, PIN - 695 006.**

THIS OP (RENT CONTROL) HAVING COME UP FOR ADMISSION ON 03-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (RC).No. 12 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE PETITION FOR EVICTION AS R.C.P.NO. 63 OF 2011 FILED BY THE RESPONDENT HEREIN, BEFORE THE RENT CONTROL COURT, THIRUVANANTHAPURAM.

EXT.P2: TRUE COPY OF THE OBJECTION SUBMITTED BY THE PETITIONER HEREIN IN R.C.P.NO. 63/2011.

EXT.P3: TRUE COPY OF THE I.A.NO. 116/2015 IN R.C.P.NO. 63/2011 PREFERRED BY THE PETITIONER.

RESPONDENT(S)' EXHIBITS NIL

//True Copy//

PA TO JUDGE

Rp

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.
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OP (RC) No. 12 of 2015
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Dated this the 3rd day of February, 2015

J U D G M E N T

Antony Dominic, J.

Petitioner is the tenant in RCP No.63/11 on the file of the Rent Control Court, Thiruvananthapuram. He has filed IA No.116/15, a copy of which is Ext.P3 in this OP, requesting the Court to examine the right of the respondent herein and to dismiss/terminate the Rent Control Court proceedings finding that the petition schedule building has already been acquired by the Government for widening the Thirumala-Thrikkannapuram Main Road. His grievance is that though the petition has been filed in court, without dealing with the said IA as a preliminary issue, the Court has posted the RCP itself for trial on 4/2/15. It is therefore that this OP is filed seeking a direction for the consideration of the IA, keeping further proceedings in the RCP in abeyance.

2. Having heard the learned counsel for the petitioner, we are inclined to think that such piece meal adjudication may not be necessary in this case and that if IA has been filed as claimed by the petitioner, the Court can deal with the contentions in the IA also,

when the main petition itself is decided. Therefore, we are not inclined to pass any order as sought for in this original petition except to say that the Court will deal with the contentions of the petitioner when the RCP is finally decided.

OP(RC) is dismissed.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**ALEXANDER THOMAS
JUDGE**

Rp

//True Copy//

PA to Judge