

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. 14 of 2015 (O)

**AGAINST THE ORDER/JUDGMENT IN IA NO.1162/14 IN RCP 2/2013 of RENT
CONTROLLER(MUNSIFF), KALPETTA DATED 16-01-2015**

PETITIONER(S):

**MATATHIKANDIYIL ANILKUMAR
S/O PADMABHAN NAMBIAR, MATATHIKANDIYIL HOUSE
PATHIYARATHARA VILLAGE, VATAKARA TALUK, KOZHIKODE**

**BY ADVS.SRI.ANEESH JOSEPH
SRI.NIRMAL V NAIR
SRI.RILGIN V.GEORGE**

RESPONDENT(S):

- 1. T.K.NAZAR
S/O ABOOBACKER THAIKKANDI HOUSE, UPPUPARA
THRIKKAIPATTA AMSOM DESOM, VYTHIRI TALUK**
- 2. ABDUL KABEER,
S/O BEERAN MOIDEEN, PONNACHAN HOUSE
KOTTAPPADI AMSOM DESOM, .VYTHIRI TALUK**

**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. 14 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1:TRUE COPY OF THE AFFIDAVIT FILED ALONG WITH THE IMPLEADING
PETITION**

**EXHIBIT P2: TRUE COPY OF THE ORDER IN IA 1162/2014 IN RCP 2/2013 PENDING
BEFORE RENT CONTROLLER (MUNZIFF) KALPETTA DATED 16.1.2015**

RESPONDENT(S)' EXHIBITS NIL

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PA TO JUDGE

Rp

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.
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OP (RC) No. 14 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.

The 1st respondent filed RCP No.2/13 on the file of Rent Control Court, Kalpetta seeking eviction of the 2nd respondent under Section 11(2)(b) and 11(3) of the Kerala Buildings (Lease & Rent Control) Act. In the objection, the tenant disputed the title of the 1st respondent. That was considered by the Rent Control Court as a preliminary issue and the contention was rejected. Thereafter, the petitioner herein, a third party, filed IA No.1162/14, seeking to get himself impleaded in the proceedings asserting that, he, being the landlord of the premises in question, is entitled to be impleaded. Though this impleadment was welcomed by the 2nd respondent tenant, the 1st respondent landlord opposed the prayer. The IA was considered and the Rent Control Court dismissed the IA by Ext.P2 order. It is this order, which is under challenge before us.

2. We heard the learned counsel for the petitioner and have considered the submissions made.

3. Essentially, therefore, the dispute is between the petitioner and the 1st respondent and the nature of the dispute is one relating to the title of the property. Such a dispute cannot come within the realm of adjudication under the Kerala Buildings (Lease & Rent Control) Act and as rightly held by the Rent Control Court, the remedy of the petitioner lies elsewhere. We do not find any reason to interfere with the order impugned.

OP is dismissed.

Sd/-
ANTONY DOMINIC
JUDGE

Sd/-
ALEXANDER THOMAS
JUDGE

Rp

//True Copy//

PA to Judge