

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

OP (RC).No. 18 of 2015 (O)

(IN EP NO.1621/14 IN RCP NO.75/11 OF THE RENT CONTROL COURT, THRISSUR)

PETITIONER(S)/RESPONDENT IN RCP AND JUDGMENT DEBTOR IN EP:

**PRAMOD AGED 32 YEARS,
S/O SARASWATHI,
KURUMUDY HOUSE, NETTISSERY VILLAGE,
NETTISSERY PO,
THRISSUR TALUK AND DT.**

BY ADV. SRI.SHOBY K.FRANCIS

RESPONDENT(S)/PETITIONERS IN RCP AND JUDGMENT DEBTORS IN EP:

- 1. IBAN MATHAN, S/O MATHAN,
AGED 60 YEARS,
MOOKKANCHERIL HOUSE,
IRINJALAKUDA VILLAGE PO, DESOM,
MUKUNDAPURAM TALUK,
THRISSUR DT 680001.**
- 2. FOJI MATHAN, S/O MATHAN,
AGED 65 YEARS,
MOOKKANCHERIL HOUSE,
IRINJALAKUDA VILLAGE PO, DESOM,
MUKUNDAPURAM TALUK,
THRISSUR DT 680001.**

THIS OP (RENT CONTROL) HAVING COME UP FOR ADMISSION ON 06-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP(RC) NO.18/15

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE ORDER PASSED BY THE RENT
CONTROL COURT IN RCP NO.75/2011 DATED 8.1.14.

EXT.P2: TRUE COPY OF THE EP NO.1621/2014 DATED
16.9.2014 FILED BY THE RESPONDENTS BEFORE THE MUNSIF
COURT, THRISSUR.

//True Copy//

PA to Judge

Rp

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.
=====

OP (RC) No. 18 of 2015
=====

Dated this the 6th day of February, 2015

J U D G M E N T

Antony Dominic, J.

The respondents/landlords filed RCP No.75/11 on the file of the Rent Control Court, Thrissur seeking eviction of the petitioner under Section 11(2)(b) of the Kerala Buildings (Lease and Rent Control) Act. By Ext.P1 *ex parte* order, the petition was allowed. Ext.P2 is EP No.1621/14 filed by the landlords seeking to execute Ext.P1 order. Petitioner states that though he did not contest the matter, he appeared before the execution court and sought time till 31/4/15 for surrendering vacant possession. It is stated that the said request of the petitioner was not allowed by the court and the EP is posted to 7/2/15 for delivery. It is at that stage this OP is filed with a prayer to require the execution court to defer the execution proceedings till 31/4/15.

2. The petitioner has not challenged any of the orders passed by the execution court nor has he made out a case that the orders passed by the Court are illegal for any reason. In such a situation, this Court cannot invoke its supervisory power over the

execution court and issue a direction as sought for by the petitioner.

3. OP, therefore, is not maintainable and is dismissed.

Needless to say that this judgment will not stand in the way of the petitioner seeking his remedies, if any, against the orders passed by the execution court.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**ALEXANDER THOMAS
JUDGE**

Rp

//True Copy//

PA to Judge