

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

OP (RC).No. 19 of 2015 (O)

**AGAINST THE ORDER/JUDGMENT IN RCA 2/2014 of RENT CONTROL APPELLATE
AUTHORITY, MAVELIKKARA**

PETITIONER(S)/RESPONDENT:

**P.C.ALEXANDER, AGED 55 YEARS
PALAMOOTTIL KOLLASSERIL HOUSE, NADAKKAVU, MAVELIKKARA.**

**BY ADVS.SRI.RINNY STEPHEN CHAMAPARAMPIL
SMT.ASHA ELIZABETH MATHEW**

RESPONDENT(S)/APPELLANT:

**P.N.SIVADASAN
S/O.NANU, DIVYADAS BHAVANAM, ARUNOOTTIMANGALAM
VETTIYAR VILLAGE, MAVELIKKARA.**

**BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
BY ADV. SRI.S.SUJIN**

**THIS OP (RENT CONTROL) HAVING BEEN FINALLY HEARD ON 26-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP (RC).No. 19 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

P1: COPY OF THE ORDER DATED 3.2.2012 PASSED BY THIS HON'BLE COURT IN R.C.R.NO.47/2012.

P2: COPY OF THE ORDER DATED 11/07/2014 OF THE RENT CONTROL COURT, MAVELIKKARA IN RCP NO.2/2010

P3: COPY OF THE APPEAL MEMORANDUM IN R.C.A.NO.2/2014 OF THE RENT CONTROL APPELLATE AUTHORITY, MAVELIKKARA.

P4: COPY OF THE OBJECTION FILED BY THE PETITIONER TO IA NO.380/2014 IN RCA NO.2/2014 OF THE RENT CONTROL APPELLATE AUTHORITY, MAVELIKKARA.

P5: COPY OF THE IA NO.589/2014 IN RCA NO.2/2014.

P6: TRUE COPY OF THE PLAINT IN OS NO.327/2007 FILED BY THE RESPONDENT/TENANT BEFORE THE MUNSIF'S COURT, MAVELIKARA.

P7: TRUE COPY OF THE WRITTEN STATEMENT FILED IN OS NO.20/2008 OF THE SUB COURT, MAVELIKARA BY THE RESPONDENT/TENANT.

RESPONDENT(S)' EXHIBITS NIL

//True Copy//

PA TO JUDGE

Rp

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

OP (RC) No. 19 of 2015
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Dated this the 26th day of February, 2015

J U D G M E N T

Antony Dominic, J.

The petitioner is the landlord and the respondent is the tenant. Petitioner sought eviction of the respondent by filing RCP No.2/10 on the file of the Rent Control Court, Mavelikkara. In that petition, he relied on Section 11(3) and 11(2)(b) of the Kerala Buildings (Lease and Rent Control) Act. By its order dated 11th of July, 2014, the Rent Control Court allowed eviction under Section 11(3). The tenant filed RCA No.2/14 before the Rent Control Appellate Authority, Mavelikkara challenging the order of the Rent Control Court. In that RCA, the tenant filed IA No.380/14 seeking stay of the order passed by the Rent Control Court and the Court passed an unconditional order of stay on 7/8/14. The petitioner thereupon filed IA No.589/14 seeking to modify the stay order by imposing condition requiring the tenant to pay the arrears of rent. No orders are passed on that I.A. It is at that stage, this OP is filed seeking an order requiring the tenant to remit the entire arrears of rent and also to direct the Rent Control

Appellate Authority to pass orders on IA No.589/14 mentioned above.

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

3. When the matter was taken up, learned counsel for the respondent himself offered to pay the entire arrears of rent as quantified by the Rent Control Court and also to continue to pay the rent till the termination of the proceedings. His only request was that he should be allowed to pay the arrears of rent in four instalments.

Now that the learned counsel for the tenant himself has agreed to make payment of the arrears of rent as above and also to continue to pay the rent, we record the submission made and dispose of the OP with the following directions;

(1) That the tenant shall pay the entire arrears of rent as quantified by the Rent Control Court in four equal monthly instalments.

(2) The first instalment shall be paid on or before 15/3/15 and the subsequent instalments

shall be paid on or before the 15th of every succeeding month.

(2) The tenant will pay the subsequent rent also along with the payments to be made as above and shall continue to pay the rent till the termination of the proceedings.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**ALEXANDER THOMAS
JUDGE**

Rp

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PA to Judge