

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. 20 of 2015 (O)

(AGAINST THE ORDER IN IA NO.3236/2014 IN RCP NO.70/2014 DATED 26/11/2014 OF
THE RENT CONTROL COURT (ADDITIONAL MUNSIF) KANNUR)

PETITIONER(S)/PETITIONER/RESPONDENT:

V.P.MOHAMMED HARRIS, AGED 47 YEARS
S/O.MOHAMMED KUNHI, PUTHIYA PURAYIL HOIUSE
NR.RAGAM TALKIES, MARAKKARKANDY, KANNUR-3.

BY ADV. SRI.P.U.SHAILAJAN

RESPONDENT(S)/RESPONDENTS/PETITIONER:

PALLIVALAPPIL HAFSATHBI,, AGED 50 YEARS
W/O.A.K.P.ABDUL MAJEED, HAFSATH MANZIL
MARAKKARKANDY(P.O), THAYYIL, KANNUR-1
AMSOM, KANNUR KARAR DESOM, KANNUR TALUK-670003.

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. 20 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 TRUE COPY OF THE PETITION IN R.C.P.70/2014 BEFORE THE RENT CONTROL COURT,KANNUR DATED 10.3.2014

EXT.P2 TRUE COPY OF THE COUNTER STATEMENT FILED BY THE PETITIONER IN R.C.P.70/2014 ON THE FILE OF THE RENT CONTROL (ADDITIONAL MUNSIF),KANNUR DATED 16.8.2014

EXT.P3 TRUE COPY OF THE REPORT SUBMITTED BY THE COMMISSIONER IN I.A.1290/2014 IN R.C.P.70/2014 ON THE FILE OF THE RENT CONTROL COURT (ADDITIONAL MUNSIF),KANNUR DATED 11.4.2014

EXT.P4 TRUE COPY OF THE AFFIDAVIT FILED IN SUPPORT OF THE PETITION I.A.3236/14 IN R.C.P.NO.70/2014 ON THE FILE OF THE RENT CONTROL COURT (ADDITIONAL MUNSIF),KANNUR DATED 31.8.2014

EXT.P5 TRUE COPY OF THE COUNTER STATEMENT IN I.A.3236/2014 IN R.C.P.70/2014 ON THE FILE OF THE RENT CONTROL COURT(ADDITIONAL MUNSIF),KANNUR

EXT.P6 TRUE COPY OF THE ORDER IN I.A.3236/2014 IN R.C.P.NO.70/2014 DATED 26.11.2014 OF THE RENT CONTROL COURT (ADDITIONAL MUNSIF),KANNUR.

RESPONDENT(S)' EXHIBITS NIL

//True Copy//

PA TO JUDGE

Rp

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

OP (RC) No. 20 of 2015
=====

Dated this the 6th day of February, 2015

J U D G M E N T

Antony Dominic, J.

Petitioner challenges Ext.P6 order passed by the Rent Control Court, Kannur rejecting IA No.3236/14 in RCP No.70/14. The respondent landlady filed RCP No.70/14 seeking eviction of the petitioner under Section 11(2) and 11(4)(v) of the Kerala Buildings (Lease and Rent Control) Act. In that petition, on an application made by the landlord, an Advocate Commissioner was deputed and an *ex parte* report was submitted. Subsequently, the petitioner filed IA No.3236/2014 to remit the commission report. That application was rejected by Ext.P6. It is this order, which is under challenge.

2. Reading of Ext.P6 shows that the Rent Control Court was satisfied that the endeavour of the petitioner was to procure a report indicating the user of the room in question, which is highly impermissible in view of the contents of the report already submitted. It was therefore that the Court below dismissed the IA.

3. We do not see any perversity in the view taken by the Rent Control Court justifying interference in this OP.

OP(RC) is dismissed.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**ALEXANDER THOMAS
JUDGE**

Rp

//True Copy//

PA to Judge