

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

OP (RC).No. 24 of 2015 ()

**AGAINST THE ORDER/JUDGMENT IN RCP 75/2011 of RENT CONTROL
COURT/PRL.MUNSIFF COURT,THRISSUR DATED 08-01-2014**

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

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

BY ADV. SRI.SHOBY K.FRANCIS

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

- 1. IBAN MATHAN, AGED 60 YEARS,
S/O.MATHAN, MOOKKANCHERIL HOUSE
IRINJALAKUDA VILLAGE P O, DESOM, MUKUNDAPURAM TALUK
THRISSUR DIST-680001**
- 2. FOJI MATHAN, AGED 65 YEARS,
S/O.MATHAN, MOOKKANCHERIL HOUSE
IRINJALAKUDA VILLAGE P O, DESOM, MUKUNDAPURAM TALUK
THRISSUR DIST-620001**

**R1-R2 BY ADV. SRI.MURALI PURUSHOTHAMAN
R1-R2 BY ADV. SRI.DEEPU LAL MOHAN**

**THIS OP (RENT CONTROL) HAVING COME UP FOR ADMISSION ON 23-02-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP (RC).No. 24 of 2015 ()

APPENDIX

PETITIONER(S)' EXHIBITS

**P1:-TRUE COPY OF THE ORDER PASSED BY THE RENT CONTRACT COURT IN RCP
NO 75/2011 DTD 8/1/2014**

**P2:-TRUE COPY OF THE EP 1621/2014 DTD 16/9/2014 FILED BY THE RESPONDENTS
BEFORE THE MUNSIFF COURT, THRISSUR**

**P3:-TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER DTD 26/1/2015 IN EP
1621/2014**

P4:-TRUE COPY OF THE JUDGMENT IN OPRC 18/2015 DTD 6/2/2015

**P5:-TRUE COPY OF THE ORDER DTD 9/2/2015 IN RCOP NO 75/2011 IN EP NO
1621/2014 PASSED BY THE PRINCIPAL MUNSIFF COURT, THRISSUR**

RESPONDENT(S)' EXHIBITS NIL

//True Copy//

PA TO JUDGE

Rp

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.
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OP (RC) No. 24 of 2015
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Dated this the 23rd day of February, 2015

J U D G M E N T

Antony Dominic, J.

Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

2. Petitioner is the respondent in RCP No.75/11. That RCP filed by the respondents herein, the landlords, under Section 11(2) (b) of the Kerala Buildings (Lease and Rent Control) Act was an uncontested one and was ordered as prayed for on 8/1/14. To execute the decree passed, the landlords filed EP No.1621/14 and the Execution Court, by its order dated 9th of February, 2015 (a copy of which is Ext.P5), directed to deliver the property on 18/2/15. It was at that stage this OP was filed with a prayer that the petitioner be given time till 31/4/15 to surrender vacant possession of the building. By order dated 18/2/15, this Court granted a stay and therefore the delivery as ordered did not take place.

3. On appearance of the respondents, we heard their counsel also. According to the learned counsel, as of now, more than ₹13,00,000/- is due from the petitioner towards arrears of rent and,

therefore, even if this Court is inclined to allow the petitioner time as prayed for, that cannot be unconditional. When this submission was made by the learned counsel for the respondents, learned counsel for the petitioner wanted to get instructions from the petitioner and accordingly time was also granted.

Today, when the matter was taken up, we heard the learned counsel for both sides and taking into account the submissions made at the Bar, this original petition is disposed of with the following directions:-

1. That out of the arrears of rent that is payable, the petitioner shall pay an amount of ₹2,50,000/- (Rupees Two lakh fifty thousand only) on or before 28/2/2015.
2. A further sum of ₹2,50,000/- (Rupees Two lakh fifty thousand only) shall also be paid by the petitioner to the respondents/ landlords on or before 31/3/15.
3. If payments are made as above, further proceedings in EP No.1621/14 in RCP No.75/11 on the file of the Principal Munsiff

Court, Trichur, will stand stayed and the petitioner will be allowed time till 30/4/15 to surrender vacant possession of the premises to the landlords.

4. It is ordered that the above arrangement is made on the undertaking of the petitioner that the premises will be surrendered on 30/4/15 and it is clarified that in case any one of the conditions above mentioned are not complied with, the Execution Court will see that the building is delivered as ordered by it.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**ALEXANDER THOMAS
JUDGE**

Rp

//True Copy//

PA to Judge