

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

OP (RC).No. 38 of 2015 (O)

AGAINST THE ORDER IN I.A.NO.427/2013 IN R.C.A.NO.12/2013 of ADDL. RENT
CONTROL APPELLATE AUTHORITY, MAVELIKKARA DATED 23.1.2015
(RCP 2/10 OF RENT CONTROL COURT, CHENGANNUR)

PETITIONER:

ROY JOSE, AGED 48 YEARS
S/O.P.P.JOSE, PULLUKATTU
VAZHAPPALLY KIZHAKKUMBHAGOM MURI
VAZHAPPALLY KIZHAKKUMBHAGOM VILLAGE
CHANGANACHERRY TALUK, KOTTAYAM DISTRICT.

BY ADVS.SRI.K.GOPALAKRISHNA KURUP (SR.)
SMT.DEEPTHI S.MENON
SRI.ABHISHEK KURIAN

RESPONDENT:

RAJAN ACHARY, AGED 63 YEARS,
S/O.LATE AYYAPPAN ACHARY, RAJ NIVAS
ANGADICAL SOUTH P.O., CHENGANNUR
ALAPPUZHA DISTRICT - 689 122.

BY ADV. SRI.B.RENJITHKUMAR

THIS OP (RENT CONTROL) HAVING BEEN FINALLY HEARD ON 19-03-
2015, ALONG WITH O.P(RC).NO.39/2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

OP (RC).No. 38 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT.P1: TRUE COPY OF THE ORDER DATED 23/01/2015.

EXT.P2: TRUE COPY OF THE IA NO. 216/2015 IN RCA NO. 12/2013 FILED BEFORE THE RENT CONTROL APPELLATE AUTHORITY, MAVELIKKARA.

EXT.P3: TRUE COPY OF IA NO. 217/2015 FILED BEFORE THE RENT CONTROL APPELLATE AUTHORITY, MAVELIKKARA.

EXT.P4: TRUE COPY OF THE APPLICATION EA.NO. 5/2015 IN EP NO. 21/2013 IN RCP NO. 2/2010 FILED BEFORE THE RENT CONTROL COURT, CHENGANNUR.

EXT.P5: TRUE COPY OF THE APPLICATION EA NO. 6/2015 IN EP NO. 21/2013 IN RCP NO. 2/2010 FILED BEFORE THE RENT CONTROL COURT, CHENGANNUR.

EXT.P6: TRUE COPY OF THE APPLICATION EA NO. 7/2015 IN EP NO. 21/2013 IN RCP NO. 2/2010 FILED BEFORE THE RENT CONTROL COURT, CHENGANNUR.

RESPONDENT(S)' EXHIBITS:

// TRUE COPY //

P.A TO JUDGE.

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

O.P(RC).Nos.38 & 39 Of 2015

Dated this the 19th day of March, 2015.

J U D G M E N T

Antony Dominic, J.

Heard Senior Counsel for the petitioner and the learned counsel appearing for the respondent.

2. The respondent-landlord filed R.C.P.Nos.1 & 2 of 2010 before the Rent Control Court, Chengannur seeking eviction of the petitioner-tenant under Sec. 11(3) of the Rent Control Act. The Rent Control Court dismissed those petitions. Appeals were filed by the landlord before the Rent Control Appellate Authority, Mavelikkara. The Appellate Authority allowed those appeals and remanded the petitions for fresh consideration. Accordingly, the cases were re-numbered as R.C.P.Nos.1 & 2 of 2012 and were finally allowed by the Rent Control Court.

3. These orders were challenged by the tenant in R.C.A.No.11 & 12 of 2013 before the Rent Control Appellate Authority, Mavelikkara. In the interlocutory applications for stay that were filed in the appeals, the Appellate Authority

O.P(RC).Nos.38 & 39 Of 2015

passed orders on 23.1.2015 staying further proceedings before the execution court for a period of two weeks and posting the appeals to 7.2.2015. On that day, interim orders were extended up to 23.2.2015. When the appeals came up for consideration before the Appellate Authority on 23.2.2015, there was no representation on behalf of the tenant and as a result, the stay was not extended and the appeals were ordered to be posted to 22.3.2015.

4. Thereafter, on 7.3.2015, applications were filed on behalf of the tenant for advancing the hearing of the appeals and to extend the stay that was originally granted on 23.1.2015. In the meanwhile, E.P.Nos.20 & 21 of 2013 filed in R.C.P.Nos.1 & 2 of 2012 before the Rent Control Court, Chengannur were proceeded with and delivery was ordered. It was in such circumstances, these Original Petitions were filed by the tenant. We are now informed that on 12.3.2015, the interlocutory applications filed for advancing the hearing and to extend the stay also were dismissed for want of representation on behalf of the tenant.

O.P(RC).Nos.38 & 39 Of 2015

5. Having heard the counsel on both sides, since the R.C.A.Nos.11 & 12 of 2013 are pending consideration before the Appellate Authority and are posted to 22.3.2015, we are inclined to direct that status quo as of now should be maintained by the execution court until the disposal of R.C.As. We, therefore, dispose of these Original Petitions with the following directions:

1) That the Rent Control Appellate Authority, Mavelikkara shall dispose of R.C.A.Nos.11 & 12 of 2013 as expeditiously as possible and preferably before the court closes for summer vacation.

2) We further direct that the Munsiff's Court, Chengannur shall keep further proceedings in E.P.Nos.20 & 21 of 2013 in R.C.P.Nos.1 & 2 of 2012 respectively in abeyance until the disposal of R.C.A.Nos.11 & 12 of 2013 mentioned above.

The petitioner will produce a copy of this judgment before the Rent Control Appellate Authority and Execution Court for information and compliance.

**ANTONY DOMINIC,
Judge.**

**ALEXANDER THOMAS,
Judge.**