

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

OP (RC).No. 46 of 2015 (O)

**AGAINST IA NO.10630/2014 IN RCP 92/2013 of ADDITIONAL MUNSIFF (RCC),
THIRUVANANTHAPURAM**

PETITIONER(S):

**B.VIJAYAN AGED 53 YEARS,
S/O.BALAKRISHNAN, T.C.4/1636,
NEAR MONO RAIL OFFICE,
VELLAYAMBALAM,
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.D.SAJEEV
SMT.LIGEY ANTONY**

RESPONDENT(S):

**M.LEELA,
NALANDA, T.C.14/1023,
ROSSCOTE LANE,
VAZHUTHACAUD,
THIRUVANANTHAPURAM 695035.**

**THIS OP (RENT CONTROL) HAVING COME UP FOR ADMISSION ON 25-03-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP(RC) NO.46/15

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE MEMORANDUM OF THE RENT CONTROL PETITION IN RCP NO.92/2013 PENDING BEFORE THE RENT CONTROL COURT, THIRUVANANTHAPURAM.

EXT.P2: TRUE COPY OF THE OBJECTIONS TO THE ORIGINAL PETITION FILED BY THE TENANT IN RCP NO 92/2013.

EXT.P3: TRUE COPY OF THE INTERLOCUTORY APPLICATION IN IA NO.10630/14 IN RCP NO.92/13

EXT.P4: TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER IN IA NO.10630/2014.

EXT.P5: TRUE COPY OF THE ORDER DATED 24.2.2015 IN IA NO.10630/2014 IN RCP NO.92/2013 ON THE FILE OF THE ADDITIONAL MUNSIF (R.C.C.), THIRUVANANTHAPURAM.

//True Copy//

PA to Judge

Rp

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.
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OP (RC) No. 46 of 2015
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Dated this the 25th day of March, 2015

J U D G M E N T

Antony Dominic, J.

Ext.P5 order passed by the Rent Control Court, Thiruvananthapuram is under challenge. Petitioner is the respondent in RCP No.92/13 filed by the respondent landlord. In that RCP, he filed an application under Section 151 of the C.P.C. requesting to issue court certificate for the issuance of ownership certificate from the Corporation of Thiruvananthapuram. That IA was dismissed by the Court. It is this order which is under challenge.

2. Reading of the order shows that it was passed by the court following the principles laid down by this Court in ***Rajan K.M. v. Tahsildar, Kanjirappilly*** (2009 (2) KLT 762). Petitioner also does not have a case that there is any enabling provision on the basis of which such an application was made. On the other hand, as is evident from the application itself, the provision invoked is an inherent power of Civil Court under Section 151 of the C.P.C.

3. We are not inclined to think that this order suffers from any irregularity justifying to be interfered with in a petition under Article 227 of the Constitution of India.

OP(RC) is dismissed.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**ALEXANDER THOMAS
JUDGE**

Rp

//True Copy//

PA to Judge