

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

OP (RC).No. 55 of 2015 (O)

**AGAINST IA NO.273/2015 IN RCA NO.7/15 OF RENT CONTROL APPELLATE
AUTHORITY, THRISSUR.**

**AGAINST THE ORDER/JUDGMENT IN RCP 37/2011 of RENT CONTROL
COURT,THRISSUR**

PETITIONER(S)/JUDGMENT DEBTOR/APPELLANT:

**K.V. SUNNY, S/O.VARUNNI,
KATTUKKARAN HOUSE,
EAST FORT PO,
THRISSUR 680005.**

**BY ADVS.SRI.MANUEL KACHIRAMATTAM
SMT.MERRY GEORGE**

RESPONDENT(S)/DECREE HOLDERS/RESPONDENTS:

- 1. MANSOOR, 46 YEARS OF AGE, S/O MUHAMUHAJI,
PANIKKAVEETIL KURUPATH HOUSE,
ORUMANAYOOR VILLAGE, ORUMANAYOOR DESOM,
CHAVAKKAD THALUK, THRISSUR-680512,
REPRESENTED BY POWER OF ATTORNEY HOLDER
KUNCHABDULLA, 68 YEARS OF AGE, S/O MAMMU,
PONNAMBATH PADUNGAL HOUSE,
ORUMANAYOOR VILLAGE, ORUMANAYOOR DESOM,
CHAVAKKAD THALUK,
THRISSUR 680512.**
- 2. BINIJA MANSOOR, 32 YEARS OF AGE, W/O MANSOOR,
PANIKKAVEETIL KURUPATH HOUSE,
ORUMANAYOOR VILLAGE, ORUMANAYOOR DESOM,
CHAVAKKAD THALUK, THRISSUR-680512,
REPRESENTED BY POWER OF ATTORNEY HOLDER
KUNCHABDULLA, 68 YEARS OF AGE, S/O MAMMU,
PONNAMBATH PADUNGAL HOUSE,
ORUMANAYOOR VILLAGE, ORUMANAYOOR DESOM,
CHAVAKKAD THALUK,
THRISSUR 680512.**

**THIS OP (RENT CONTROL) HAVING COME UP FOR ADMISSION ON 08-04-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE PHOTOCOPY OF THE PETITION IN RCP NO.37/11 IN THE FILES OF HON'BLE RENT CONTROL COURT, THRISSUR.

EXT.P2: TRUE PHOTOCOPY OF THE OBJECTION IN RCP NO.37/2011 IN THE FILES OF HON'BLE RENT CONTROL COURT, THRISSUR.

EXT.P3: TRUE PHOTOCOPY OF THE ORDER IN RCPNO.37/2011 IN THE FILES OF HON'BLE RENT CONTROL COURT, THRISSUR.

EXT.P4: TRUE PHOTOCOPY OF THE IA NO.14740/2014 IN THE FILES OF HON'BLE RENT CONTROL COURT, THRISSUR.

EXT.P5: TRUE PHOTOCOPY OF THE OBJECTION IN IA NO.14740/14 IN THE FILES OF HON'BLE RENT CONTROL COURT, THRISSUR.

EXT.P6: TRUE PHOTOCOPY OF THE IA NO.14742/2014 IN THE FILES OF HON'BLE RENT CONTROL COURT, THRISSUR.

EXT.P7: TRUE PHOTOCOPY OF THE OBJECTION IN IA NO.14742/2014 IN THE FILES OF HO'BLE RENT CONTROL COURT, THRISSUR.

EXT.P8: TRUE PHOTOCOPY OF THE ORDER IN IA NO.14740/2014 IN THE FILES OF HONB'BLE RENT CONTROL COURT, THRISSUR.

EXT.P9: TRUE PHOTOCOPY OF THE ORDER IN IA NO.14742/2014 IN THE FILES OF HON'BLE RENT CONTROL COURT, THRISSUR.

EXT.P10: TRUE PHOTOCOPY OF THE EP NO.583/2014 IN RCP NO.37/2011 IN THE FILES OF HON'BLE PRINCIPAL MUNSIF COURT, THRISSUR.

EXT.P11: TRUE PHOTOCOPY OF THE APPEAL MEMORANDUM IN RCA NO.7/2015 IN THE FILES OF RENT CONTROL APPELLATE AUTHORITY, THRISSUR.

EXT.P12: TRUE PHOTOCOPY OF THE IA NO.273/2015 IN RCA NO.7/2015 IN THE FILES OF RENT CONTROL APPELLATE AUTHORITY, THRISSUR.

EXT.P13: TRUE PHOTOCOPY OF THE OBJECTION IN IA NO.273/2015 IN RCA NO.7/2015 IN THE FILES OF RENT CONTROL APPELLATE AUTHORITY, THRISSUR.

EXT.P14: TRUE PHOTOCOPY OF THE STATEMENT OF RENT ARREARS IN RCA NO.7/2015 IN THE FILES OF RENT CONTROL APPELLATE AUTHORITY, THRISSUR.

//True Copy//

PA to Judge

Rp

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

OP (RC) No. 55 of 2015
=====

Dated this the 8th day of April, 2015

J U D G M E N T

Antony Dominic, J.

Petitioner is the appellant in RCA No.7/15 on the file of the Rent Control Appellate Authority, Thrissur, where he is challenging the orders passed by the Rent Control Court, Thrissur in RCP No.37/11. By filing IA No.273/15, he has sought stay of the proceedings in EP No.583/14 in RCP No.37/11. He complains that the appellate court is insisting that he should deposit the entire arrears of rent to grant stay sought for by him. It is in this background, he has filed this original petition seeking an instalment facility to pay the arrears due.

2. From the above, it is obvious that in this original petition, petitioner is not challenging any order passed by the appellate authority before this Court and even according to the petitioner, the appellate authority has not passed any order in IA No.273/15. In such circumstances, we do not think that any prayer other than the prayer sought for by the petitioner for an order requiring the appellate authority to pass orders in IA No.273/15 is called for.

In such circumstances, the original petition is disposed of

directing that the Rent Control Appellate Authority will pass orders on IA No.273/15 in RCA No.7/15. This shall be done, as expeditiously as possible, on the production of a copy of this judgment.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**ALEXANDER THOMAS
JUDGE**

Rp

//True Copy//

PA to Judge