

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V**

FRIDAY, THE 10TH DAY OF APRIL 2015/20TH CHAITHRA, 1937

OP (RC).No. 56 of 2015 (O)

**AGAINST THE ORDER/JUDGMENT IN RCP 130/2014 of III ADDL.MUNSIFF & (RENT
CONTROL COURT) , ERNAKULAM**

PETITIONER(S):

- 1. ST.ANTONY'S TRADING CO.
34/1242 A, BEENA ANJUMANA ROAD,
EDAPALLY, KOCHI 68202 REPRESENTED BY ITS
MANAGING PARTNER
MEHAR REYNOLDS.**
- 2. MEHAR REYNOLDS, S/O REYNOLDS,
MANAGING PARTNER,
NO.33, CHOICE VILLAGE, NADAMA
TRIPUNITHURA, KOCHI 682031.**

**BY ADVS.SRI.K.J.SAJI ISAAC
DR.ELIZABETH VARKEY**

RESPONDENT(S)/PETITIONER:

**SHAHNAS ADIL. W/O ADIL MUHAMMAD ALI AGED 28
KOLPARAMBIL HOUSE, BLOCK JUNCTION,
VELLANGALLOOR PO,
TRICHUR DISTRICT 6820622 NOW RESIDING AT
18, KIRWAN DRIVE, CRANBOURNE EAST, VIC -3977
AUSTRALIA REPRESENTED BY POWER OF ATTORNEY HOLDER
K.B.MOHAMMEDKUTTY, S/O LAYE K.A.BAVAKUNJU
AGED 66, KALATHIL HOUSE, NETTOOR PO
MARADU, KANAYANNUR TALUK,
KOCHI 682040.**

**THIS OP (RENT CONTROL) HAVING COME UP FOR ADMISSION ON 10-04-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP(RC) NO.56/15

APPENDIX

PETITIONERS' EXHIBITS

EXT.P1: TRUE COPY OF THE ORDER IN IA 8173/14 IN RCP
NO.130/14

EXT.P2: TRUE COPY OF IA NO.3186/15

//True Copy//

PA to Judge

Rp

ANTONY DOMINIC & RAJA VIJAYARAGHAVAN V., JJ.
=====

OP (RC) No. 56 of 2015
=====

Dated this the 10th day of April, 2015

J U D G M E N T

Antony Dominic, J.

Petitioners are the respondents in RCP No.130/14 on the file of Rent Control Court, Ernakulam. Petitioners say that the Rent Control Court passed order under Section 12(3) of the Kerala Buildings (Lease and Rent Control) Act on 6/4/15 and that though an application was made, they have not so far obtained a copy of the order. Therefore, according to them, they could not prefer any appeal against the order. Counsel states that the petitioners apprehend that, in the meanwhile, they will be evicted. It is on this basis that they have filed this OP seeking an order to keep in abeyance the order under Section 12(3) of the Act passed by the Rent Control Court.

2. We are unable to appreciate the logic of the very basis of this OP, as according to law, even if the order under Section 12(3)

OP(RC) No.56/15

: 2 :

has become final, the landlord can only seek execution thereof.

Therefore, the prayer made in this OP is totally misconceived.

OP fails and is dismissed.

Sd/-
ANTONY DOMINIC
JUDGE

Sd/-
RAJA VIJAYARAGHAVAN V.,
JUDGE

Rp