

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN
&
THE HONOURABLE MRS. JUSTICE MARY JOSEPH

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

OP (RC).No. 61 of 2015 (O)

AGAINST THE ORDER/JUDGMENT IN RCP 36/2009 of MUNSIFF COURT,
THALIPARAMBA DATED 31-03-2015

PETITIONER/3RD PARTY PETITIONER:

K.P.RIYAS AGED 34 YEARS
S/O KADER HAJI, HAZEENA MANZIL, KEEZU AMSOM DESOM
IRITTY P.O, THALASSERY TALUK, KANNUR DISTRICT

BY ADVS.SRI.O.V.MANIPRASAD
SRI.JOSE ANTONY

RESPONDENTS/DECREE HOLDERS & JUDGMENT DEBTOR:

1. VALAPPINAKATH FIROZ
S/O KUTTIYALI, IRIKKUR AMSOM DESOM, IRIKKUR P.O
THALIPARAMBA TALUK 691 001

2. VALAPPIONAKATH NAZER
S/O KUTTIYALI, IRIKKUR AMSOM DESOM, IRIKKUR P.O
THALIPARAMBA TALUK 691 001

3. KEETHADATH SHIHABUDHEEN
S/O MAMMU, AGED 38 YEARS, IRIKKUR AMSOM DESOM, IRIKKUR P.O
THALIPARAMBA TALUK REPRESENTED BY PA HOLDER EDAKKADANKANY
CHOTTY MAMMU
S/O ADAM HAJI AGED 66 YEARS, IRIKKUR

R1 BY ADV. SRI..ZUBAIR PULIKKOOL (CAVEATOR)

THIS OP (RENT CONTROL) HAVING COME UP FOR ADMISSION ON
27-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JJ

OP (RC).No. 61 of 2015 (O)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1 TRUE COPY OF THE AGREEMENT DATED 06/05/2014
EXT.P2 TRUE COPY OF THE JUDGMENT DATED 31/3/2014 OF THE RENT
CONTROLLER APPELLATE AUTHORITY, THALASSERY
EXT.P3 TRUE COPY OF THE PLAINT IN OS NO. 687/14
EXT.P4 TRUE COPY OF THE ORDER DATED 14/8/2014 IN IA NO. 2302 /2014
IN OS NO 687/2014
EXT.P5 TRUE COPY OF THE COMMISSION REPORT DATED 19/11/2014 IN OS
NO.687/2014
EXT.P6 TRUE COPY OF THE AFFIDAVIT IN SUPPORT OF EA NO. 294/14 IN EP
NO. 258/14
EXT.P7 TRUE COPY OF THE AFFIDAVIT IN SUPPORT OF EA NO. 295/14 IN EP
NO. 258/14
EXT.P8 TRUE COPY OF THE OBJECTION FILED BY THE RESPONDENTS 1 AND 2
IN EA NO. 295/14
EXT.P9 TRUE COPY OF THE OBJECTION FILED BY THE RESPONDENTS 1 AND 2
IN EA NO. 295/14
EXT.P10 TRUE COPY OF THE COMMON ORDER DATED 31/3/2015 IN EA NOS
294/2014 AND 295/2014 IN EP NO. 258 OF 2014 IN RCR NO. 36 OF 2009 ON
THE FILE OF THE MUNSIF COURT, THALIPARAMBA

RESPONDENT(S) ' EXHIBITS

K. SURENDRA MOHAN & MARY JOSEPH,JJ.

O.P(RC) NO. 61 OF 2015

Dated this the 27th May, 2015.

JUDGMENT

Surendra Mohan, J.

It is pointed out by the counsel for the respondent that the proper remedy of the petitioner against Ext.P10 is to file a revision under Section 14 of the Kerala Buildings (Lease & Rent Control) Act, 1965. The dictum of this Court in Ayyappan Pillai A.R.v. Mohana Chandran Pillai [2005 KHC 915] is also pressed into service, to support the above contention. The counsel for the petitioner in the above circumstances seek permission to withdraw this original petition without prejudice to the rights of the petitioner to prefer a revision in accordance with law.

The request is accepted. This original petition is dismissed as withdrawn without prejudice to the rights of the

petitioner to file a revision before the appropriate court.

Sd/-
K. SURENDRA MOHAN
Judge

Sd/-
MARY JOSEPH
Judge

jj

/True copy/

