

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN
&
THE HONOURABLE MR. JUSTICE K.ABRAHAM MATHEW

TUESDAY, THE 1ST DAY OF SEPTEMBER 2015/10TH BHADRA, 1937

OP (RC).No. 109 of 2015 (O)

AGAINST THE ORDER DATED 16.3.2015 ON I.A.NO.220 OF 2015 AND I.A.699 OF
2015 IN RCP 48/2013 of RENT CONTROLLER (MUNSIFF), MANJERI

PETITIONER/PETITIONER IN IA./RESPONDENT IN RCP:

KOLLAPARAMBIL SHAIJU KURIAN, S/O KURIYAN,
NILAMBUR AMSOM DESOM, NILAMBUR TALUK
MALAPPURAM DISTRICT.

BY ADV. SRI.A.K.MADHAVAN UNNI

RESPONDENT(S)/RESPONDENT IN I.A/PETITIONER IN RCP:

KARIMBANAKKAL HAMSA
S/O.AHAAMAD, NILAMBUR AMSOM DESOM, NILAMBUR TALUK
MALAPPURAM DISTRICT 679 329.

THIS OP (RENT CONTROL) HAVING COME UP FOR ADMISSION ON 01-09-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

- P1: A TRUE PHOTOSTAT COPY OF THE EXPARTE ORDER IN RCP 48/2011 BY THE RENT CONTROLLER MUNSIFF MANJERI.
- P2: A TRUE PHOTOSTAT COPY OF THE ORDER IN I.A 220/2015 BY THE RENT CONTROLLER MUNISIFF, MANJERI.
- P3: A TRUE PHOTOSTAT COPY OF THE ORDER IN I.A.699/2015 IN RCP 48/2011, BY THE RENT CONTROLLER, MUNSIFF MANJERI.
- P4: A TRUE PHOTOSTAT COPY OF THE ORDER DISMISSING IA.220/2015 BY THE RENT CONTROLLER MUNSIFF MANJERI.
- P5: A TRUE PHOTOSTAT COPY OF THE APPLICATION FOR CHALLAN.
- P6: A TRUE PHOTOSTAT COPY OF THE ORDER ON THE APPLICATION FOR CHALLAN.

RESPONDENT'S EXHIBITS: NIL.

TRUE COPY

P.A. TO JUDGE.

kp/-

P.N.RAVINDRAN & K. ABRAHAM MATHEW, JJ.

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O.P.(R.C). No.109 of 2015

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Dated this the 1st day of September, 2015

JUDGMENT

K. Abraham Mathew, J.

Petitioner was the respondent in R.C.P.No.48 of 2013 on the file of the Rent Control Court, Manjeri. On his failure to appear in response to the notice served on him, he was set ex-parte and an ex-parte order was passed for eviction. His application for setting aside the ex-parte order was set aside on condition that he should deposit ₹7,000/- as costs within seven days. The prayer is to set aside the order which is said to be onerous.

2. Heard the learned counsel for the petitioner. It is submitted that the monthly rent of the petition scheduled room is ₹3,000/-. The facts of the case indicate that the costs which has been ordered to be paid is not onerous. So we are not inclined to admit this O.P(R.C). But it is only in the interest of justice that the petitioner is given time till 15.9.2015 for payment of the costs.

In the result, this O.P(R.C) is disposed of allowing the petitioner to deposit the cost ordered by the Rent Control Court on or before

15.9.2015. If the direction is complied with, the ex-parte order will stand set aside, in which case the Rent Control Court shall fix a date for the appearance of the landlords and issue a notice to them.

**P.N.RAVINDRAN
JUDGE**

**K. ABRAHAM MATHEW
JUDGE**

kp/-