

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN
&
THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

FRIDAY, THE 18TH DAY OF SEPTEMBER 2015/27TH BHADRA, 1937

OP (RC).No. 115 of 2015 (O)

OP (BRC)34/2009 of MUNSIFF'S COURT, KOLLAM

PETITIONER:

B.THOMAS
S/O.BENCHAMIN, PROPRIETOR, THOMAS STATIONARY & FRUITS
NEAR BENSIGAR HOSPITAL, KOLLAM

BY ADV. SRI.B.KRISHNA MANI

RESPONDENT :

CHANDRASEKHARAN PILLAI
S/O.PARAMESWARAN PILLAI, CHANDRA BHAVAN, VENDOR MURI
PUTHOOR VILLAGE, KOLLAM 691518

THIS OP (RENT CONTROL) HAVING COME UP FOR ADMISSION ON 18-09-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

AV

**P.N.RAVINDRAN
&
BABU MATHEW P.JOSEPH, JJ.**

O.P.(R.C.)No.115 of 2015

Dated this the 18th day of September, 2015.

J U D G M E N T

P.N.Ravindran, J.

The prayer in this original petition filed by the tenant in R.C.P.No.34 of 2009 on the file of the Rent Control Court, Kollam is for an order directing the Court of the Principal Munsiff of Kollam not to effect delivery of the petition schedule property until the disposal of Ext.P9 appeal filed by a third party before the Tribunal for Local Self Government Institutions constituted under section 271 S of the Kerala Panchayath Raj Act, 1996.

2. When the original petition came up for admission hearing yesterday, learned counsel appearing for the petitioner expressed a doubt as to whether delivery has been effected. We thereupon directed the Registry to ascertain from the Court of the Principal Munsiff of Kollam as to whether delivery has been effected in E.P.No.198 of 2011 in O.P.(R.C.).No.34 of 2009. The Registry has ascertained and reported that delivery has been effected on 17.09.2015 and E.P.No.198 of 2011 has been closed.

Such being the situation, the original petition has become infructuous. It is accordingly closed as infructuous.

Sd/-
P.N.RAVINDRAN
JUDGE

Sd/-
BABU MATHEW P.JOSEPH
JUDGE

AV

/True Copy/

P.A to Judge