

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN

&

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

MONDAY, THE 26TH DAY OF OCTOBER 2015/4TH KARTHIKA, 1937

OP (RC).No. 127 of 2015 (O)

PETITIONER(S)/PETITIONER:

M/S. FORT IN INFRA DEVELOPERS PIRIVATE LIMITED, AGED 46 YEARS
COMPANY CONSTITUTED UNDER THE INDIAN COMPANIES ACT
1956 HAVING ITS REGISTERED OFFICE AT DOOR NO.41/2299
(OLD NO.17/1491-D) 3RD FLOOR, MALABAR GATE
RAM MOHAN ROAD, KOZHIKODE-673004
REPRESENTED BY ITS AUTHORISED SIGNATORY ABDUL JALEEL.R
S/O.KUNJIPAKKI HAJI
AUTHORISED SIGNATORY OF M/S.FRONT IN
INFRA DEVELOPERS PVT.LTD
DOOR NO.41/2299(OLD NO.17/1491-D) 3RD FLOOR
MALABAR GATE, RAM MOHAN ROAD, KOZHIKODE-673004.

BY ADVS.SRI.K.M.FIROZ
SMT.M.SHAJNA
SRI.S.KANNAN

RESPONDENT(S)/RESPONDENT:

THOMAS STEPHEN,
S/O.ALLES STEPHEN, PROPRIETOR
M/S GABRIELA ROSE INTERNATIONAL, R.P.MALL, KOLLAM-1
RESIDING AT GRACE BHAVANAM, MUNDAKKAL EAST, KOLLAM-1.

THIS OP (RENT CONTROL) HAVING COME UP FOR ADMISSION ON 26-10-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (RC).No. 127 of 2015 (O)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 A TRUE COPY OF THE PETITION FILED AS (OP)NO.32 OF 2014 BY THE
PETITIONER BEFORE THE RENT CONTROL COURT,KOLLAM
P2 A TRUE COPY OF THE OBJECTION FILED BY THE RESPONDENT IN RC (OP)
NO.32 OF 2014 BEFORE THE RENT CONTROL COURT,KOLLAM
P3 A TRUE COPY OF THE I.A.4819/2015 IN RC.(OP)NO.32/2014 ON THE FILES
OF RENT CONTROL COURT,KOLLAM FILED BY THE PETITIONER.

RESPONDENT(S) ' EXHIBITS

NIL

// TRUE COPY //

P.S. TO JUDGE

**P.N. Ravindran &
Babu Mathew P. Joseph, JJ.**

O.P.(RC) No.127 of 2015

Dated this the 26th October, 2015

JUDGMENT

P.N. Ravindran, J.

The petitioner has instituted RC(OP) No.32 of 2014 on the file of the Rent Control Court, Kollam praying for an order of eviction under section 11(2) (b) of the Kerala Buildings (Lease and Rent Control) Act, 1965, hereinafter referred to as 'the Act' for short. The respondent who is the tenant therein, has entered appearance and filed objections to the rent control petition. After the tenant entered appearance and filed his counter statement, the petitioner filed I.A.No.4819 of 2015 in R.C.P.No.32 of 2014 under section 12 of the Act praying for an order directing the tenant to deposit the arrears of rent due in respect of the petition schedule building and to continue to deposit the rent which may subsequently become due until the termination of the proceedings before the rent control court. This original petition is filed contending that though the aforesaid application was filed on 29.6.2015, it has not

been disposed of for the reason that the tenant has not filed objections to the application notwithstanding the repeated adjournments granted in that regard.

2. When this original petition came up for consideration before us on 19.10.2015, we directed the Registry to call for a report from the Rent Control Court, Kollam as regards the time required for disposing of I.A.No.4819 of 2015 in R.C.(OP) No.32 of 2014. We also directed the Registry to ascertain the date on which I.A.No.4819 of 2015 was filed, the date on which it stood posted and the date to which it presently stands adjourned. Registry was also directed to ascertain whether the tenant has filed objections to the said application. Pursuant to the said order, Registry called for a report from the Rent Control Court, Kollam. The Presiding Officer of Rent Control Court, Kollam has forwarded a letter dated 20.10.2015 which shows that I.A.No.4819 of 2015 was filed on 25.9.2015, that it was posted on 3.10.2015 and that on 3.10.2015 the tenant prayed for time for filing objections to the said application and it stands adjourned to 2.11.2015 for objections.

The Presiding Officer has also reported that till date, the tenant has not filed objections to I.A.No.4819 of 2015 and that I.A.No.4819 of 2015 can be disposed of within two months.

3. It is evident from the materials presently before us that I.A.No.4819 of 2015 stands posted to 2.11.2015 for objections, if any, on the side of the tenant. The application was filed on 25.9.2015 and was first posted on 3.10.2015. Having regard to the nature of the relief prayed for therein and the fact that the tenant has already filed a counter statement in the rent control petition, we are of opinion that even without issuing notice in this original petition to the tenant, we will be justified in directing the rent control court to pass expeditious orders on I.A. No.4819 of 2015.

We accordingly dispose of this original petition with a direction to the Rent Control Court, Kollam where RC(OP) No.32 of 2014 is pending, to dispose of I.A.No.4819 of 2015 therein expeditiously and in any event, within an outer limit of two months from 2.11.2015 to which date the aforesaid application stands posted for the objections of

the tenant.

Registry to communicate a copy of this judgment forthwith.

(P.N. Ravindran, Judge.)

(Babu Mathew P. Joseph, Judge.)

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