

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 9TH DAY OF NOVEMBER 2015/18TH KARTHIKA, 1937

OP (RC).No. 131 of 2015 (O)

AGAINST THE ORDER/JUDGMENT IN RCOP 56/2014 of ADDL.MUNSIFF COURT,
KOLLAM
PETITIONER(S)/ORIGINAL PETITIONER:

K.KISHORE BABU AGED 63 YEARS
S/O.K.KUMARAN, LILLIES, MUNDACKAL VILLAGE
VADAKKEVILA P.O. KOLLAM.

BY ADV. SRI.ARUN BABU

RESPONDENT(S)/RESPONDENT:

M/S. NEO STAR TRADING COMPANY
TOWN LIMIT KADAPPAKADA P.O. KOLLAM 08 - REPRESENTED
BY MANAGING PARTNERK.SURESH KUMAR 685 008.

R1 BY ADV. SRI.P.PRIJITH
R1 BY ADV. SRI.A.JANI (KOLLAM)

THIS OP (RENT CONTROL) HAVING COME UP FOR ADMISSION ON 09-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (RC).No. 131 of 2015 (O)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P-1: THE TRUE COPY OF THE ORIGINAL PETITION DATED 27.11.2014
BEFORE THE
ADDITIONAL RENT CONTROL COURT (IST ADDITIONAL MUNSIF COURT) KOLLAM.

RESPONDENT(S) ' EXHIBITS

nil

// true copy //

p.s. to judge

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

O.P.(RC)No.131 of 2015

Dated this the 9th November, 2015

JUDGMENT

P.N. Ravindran, J.

The petitioner is the landlord in R.C.(OP) No.56 of 2014 on the file of the Rent Control Court, Kollam. The prayer in this original petition is for an order directing the rent control court to dispose of O.P.(RC) No.56 of 2014 in a time bound manner. The petitioner has in the instant original petition averred that though the respondent has been served and he has entered appearance through counsel, he has not so far filed a counter statement in the rent control petition notwithstanding repeated adjournments granted in that regard. The petitioner has averred that the instant rent control petition was filed on 27.11.2014, that nearly one year has passed thereafter and as a result of the delay on the part of the tenant in filing the counter statement, the rent control court is not in a position to dispose of the rent control petition expeditiously.

2. When the original petition came up before us on 29.10.2015, we directed the Registry to call for a report from the Rent Control Court, Kollam as to whether the tenant in the rent control petition has filed a counter statement. We also directed the Registry to call for a copy of the Proceedings Paper/B. Diary. After the report of the

Presiding Officer and the copy of the Proceedings Paper/B. Diary were received, we admitted the original petition and issued notice to the respondent by special messenger. We also directed the original petition to be posted today. The original petition was accordingly posted today after service of notice on the respondent.

3. The report submitted by the Presiding Officer discloses that the respondent in R.C.(OP) No.56 of 2014 has not so far filed his objections. The B. Diary/Proceedings Paper disclose that the rent control petition was filed on 27.11.2014 and that the respondent entered appearance on 19.3.2015. The rent control petition was thereafter adjourned to 5.6.2015, 3.7.2015, 1.8.2015, 8.9.2015 and 7.10.2015 for the objections of the respondent. On 7.10.2015 it was adjourned to 4.11.2015 for objections of the respondent. Though the B Diary discloses that such adjournment was granted as a last chance, when the instant original petition was called for hearing today, learned counsel appearing for the respondent submitted that the respondent has not so far filed objections and that on 4.11.2015 the rent control petition was adjourned to 19.11.2015 for objections. Learned counsel also submitted that the respondent will file a counter statement/objections before 19.11.2015.

4. The Presiding Officer has in the report submitted by him stated that the rent control petition can be disposed of within 8 months. The need put forward by the landlord in the petition for eviction is to start a show room for the packing machines manufactured by him. Eviction is also sought under section 11(2)(b) of the Kerala Buildings (Lease & Rent Control) Act, 1965 on the averment that rent is in arrears. In such circumstances, we are of the opinion that the rent control court should endeavour to dispose of the rent control petition expeditiously and in any event within six months from 19.11.2015, to which date it is presently stands posted for objections. We accordingly dispose of the original petition with the following directions:

- i) The respondent/tenant shall file his counter statement / objections, if any, in R.C.(OP) No.56 of 2014 on the file of the Rent Control Court, Kollam on or before 19.11.2015;
- ii) If the landlord or the tenant is desirous of applying for the appointment of a Commissioner to inspect the petition schedule premises or for the purpose of ascertaining the availability of other alternate accommodation in the locality, they shall take steps in that regard within one

month from today; and

- iii) The Rent Control Court, Kollam shall try and dispose of R.C.(OP) No.56 of 2014 expeditiously and in any event within six months from 19.11.2015.

Registry to forthwith communicate a copy of this judgment to the Rent Control Court, Kollam.

(P.N. Ravindran, Judge.)

(Babu Mathew P. Joseph, Judge.)

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