

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 23RD DAY OF NOVEMBER 2015/2ND AGRAHAYANA, 1937

OP (RC).No. 140 of 2015 (O)

**AGAINST THE ORDER/JUDGMENT IN RCA 77/2013 of RENT CONTROL APPELLATE
AUTHORITY, THALASSERY**

PETITIONER:

**MUNEER PALLIPATH, AGED 35 YEARS,
S/O.MAHAMOOD, SREEKANDAPURAM AMSOM, KOTTOOR DESOM,
TALIPARAMBA TALUK, KANNOOR DISTRICT.**

BY ADV. SRI.A.M.ABDULLA

RESPONDENT:

**CHERIYANDI PUTHIYAPURAYIL ABDUL NAZAR, AGED 36 YEARS,
S/O.MOOSAN, SREKANDAPURAM PO, TALIPARAMBA TALUK,
KANNOOR DISTRICT 670 631.**

**THIS OP (RENT CONTROL) HAVING COME UP FOR ADMISSION ON 23-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP (RC).No. 140 of 2015 (O)

APPENDIX

PETITIONER'S EXHIBITS

**P1: TRUE COPY OF JUDGMENT IN RCP 1/2012 OF RENT CONTROL COURT,
TALIPARAMBA IN RCP. 1/2012**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A. TO JUDGE

VPV

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

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O.P.(R.C.)No.140 of 2015

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Dated this the 23rd day of November, 2015

JUDGMENT

P.N.Ravindran, J.

The petitioner is the landlord in R.C.P.No.1 of 2012 on the file of the Rent Control Court, Taliparamba, a petition filed by him for an order evicting the respondent/tenant under sections 11(3) and 11(4) (iii) of the Kerala Buildings (Lease and Rent Control) Act, 1965, hereinafter referred to as "the Act" for short. Upon receipt of notice, the tenant entered appearance and filed a counter statement resisting the petition. After trial, the rent control court passed an order of eviction under section 11(3) of the Act on 26.3.2013. The tenant has aggrieved thereby filed R.C.A.No.77 of 2013 on the file of the Rent Control Appellate Authority, Thalassery and it is still pending. In that appeal, an interim order staying the execution of the order of eviction has also been passed. The landlord has in this original petition, filed under Article 227 of the Constitution of India, prayed for an order directing expeditious disposal of the said appeal.

2. When this appeal came up for consideration before us on 19.11.2015, we directed the Registry to call for a report from the Rent Control Appellate Authority, Thalassery as regards the time frame within which R.C.A.No.77 of 2013 can be heard and disposed of. We

had also directed the Registry to call for a copy of the B diary/ proceedings paper by fax. The Presiding Officer has reported that R.C.A.No.77 of 2013 presently stands posted to 7.12.2015 for receipt of records from the rent control court and it can be disposed of within one month from the date of receipt of the records.

In such circumstances, we dispose of this original petition with the following directions:

- i) The Rent Control Court, Taliparamba shall forthwith transmit the records in R.C.P.No.1 of 2012 to the Rent Control Appellate Authority, Thalassery for incorporation in R.C.A.No.77 of 2013. This shall be done within two weeks from the date of receipt of a copy of this order.
- ii) The Rent Control Appellate Authority, Thalassery shall hear and dispose of R.C.A.No.77 of 2013 expeditiously and in any event within two months from the date of receipt of a copy of this judgment.

Registry to communicate a copy of this judgment to the courts below.

Sd/-

**P.N.RAVINDRAN
JUDGE**

Sd/-

**BABU MATHEW P. JOSEPH
JUDGE**