

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

OP (RC).No. 147 of 2015 (O)

**AGAINST THE ORDER/JUDGMENT IN RCP 10/2004 of MUNSIFF COURT,
CHANGANACHERRY DATED 25-10-2006**

PETITIONER:

**K.V.JOSEPH, AGED 60 YEARS,
S/O.VARGHESE, NEERIAMPARAMBIL BUILDING,
VAZHAPPALLY EAST VILLAGE, NEAR RAILWAY STATION,
CHANGANACHERRY, KOTTAYAM.**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S
SRI.RENJIT GEORGE
SRI.RENJITH.R.NAIR
SMT.ANJU MOHAN
SRI.S.VISHNU (ARIKKATTIL)**

RESPONDENT:

**JOSE CHERIAN, NERIAMPARAMBIL HOUSE,
THURUTHY KARA, VAZHAPPALLY WEST VILLAGE,
CHANGANACHERRY TALUK, NOW EMPLOYED AS REGIONAL DIRECTOR,
EMPLOYEES STATE INSURANCE CORPORATION, THRISSUR - 20.**

**THIS OP (RENT CONTROL) HAVING COME UP FOR ADMISSION ON 26-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

VPV

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

O.P.(R.C.)No.147 of 2015

Dated this the 26th day of November, 2015

JUDGMENT

P.N.Ravindran, J.

The prayer in this original petition filed by the tenant in R.C.P. No.10 of 2004 on the file of the Rent Control Court, Changanacherry is for an order directing the rent control court to consider Ext.P11 application namely I.A.No.129 of 2015 in R.C.P.No.10 of 2004, filed by him under section 11(2)(c) of the Kerala Buildings (Lease and Rent Control) Act, 1965, within a time limit to be stipulated by this court and a further order staying all further proceedings in E.P.No.36 of 2013 in R.C.P.No.10 of 2004 on the file of the Court of the Munsiff of Changanacherry pending disposal of the said application.

2. When the original petition came up for hearing today, learned counsel appearing for the petitioner submitted that after the original petition was filed, delivery of possession was effected in E.P.No.36 of 2013 and that the execution petition was closed. Learned counsel submitted that in such circumstances, reserving liberty with the petitioner to work out his remedies in other appropriate proceedings, this original petition may be dismissed as withdrawn.

O.P.(R.C.)No.147 of 2015

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In the light of the aforesaid submission, this original petition is dismissed as withdrawn reserving liberty with the petitioner to work out his remedies in other appropriate proceedings, if he is aggrieved by the delivery effected in E.P.No.36 of 2013 in R.C.P.No.10 of 2004.

Sd/-

**P.N.RAVINDRAN
JUDGE**

Sd/-

**BABU MATHEW P. JOSEPH
JUDGE**

/true copy/

P.A. To Judge

vpv