

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN

&

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

OP (RC).No. 161 of 2015 (O)

AGAINST THE ORDER/JUDGMENT IN RCP 32/2013 of MUNSIEFF COURT, NORTH
PARAVUR

PETITIONER(S):PETITIONER

NANDANAN, AGED 72 YEARS, S/O. LATE KANDU,
VADASSERY HOUSE, PALLIPORT P.O., MUNAMBAM IN KOCHI TALUK.

BY ADV. SRI.K.A.MANZOOR ALI

RESPONDENT(S):RESPONDENT

BALAKRISHNAN, AGED 71 YEARS, S/O. SANKARAN,
ARAMIPARAMBIL HOUSE, PALLIPORT P.O., MUNAMBAM IN KOCHI TALUK,
PIN-683515.

THIS OP (RENT CONTROL) HAVING COME UP FOR ADMISSION ON 22-12-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1-TRUE COPY OF RENT CONTROL PETITION FILED BY THE PETITIONER

EXT.P2-TRUE COPY OF EX-PARTE DECREE DATED 7.6.2014 PASSED BY THE RENT
CONTROL COURT N. PARAVUR IN RCP 32/2013.

TRUE COPY

P.S TO JUDGE

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

O.P.(RC) No.161 of 2015

Dated this the 22nd December, 2015

JUDGMENT

P.N. Ravindran, J.

The petitioner is the landlord in R.C.P.No.32 of 2013 on the file of the Rent Control Court, N. Parur, a petition filed by him for an order of eviction under sections 11(3) and 11(8) of the Kerala Buildings (Lease and Rent Control) Act, 1965, hereinafter referred to as 'the Act' for short. Though notice was served and the tenant entered appearance through counsel, he did not file written objections. Consequently, he was set ex-parte and an ex-parte order of eviction was passed on 7.6.2014. The tenant thereafter filed an application to set aside the ex-parte order accompanied by an application to condone the delay of 21 days. The petitioner has in the original petition averred that though he opposed the said application by filing a counter statement, it was allowed on terms and that pursuant thereto, the rent control petition stands posted for steps to 7.1.2016.

2. In this original petition filed under Article 227 of the Constitution of India, the petitioner prays for an order directing the rent control court to dispose of R.C.P.No.32 of 2013 in a time bound manner. Apart from stating that the petitioner is a senior citizen aged 72 years and that the respondent who is financially well off, is

adopting all tactics to delay the adjudication of the rent control petition, the petitioner has not set out the date on which the ex-parte order of eviction was set aside, whether it was a few days or few months back. Not even the number of application which was filed to set aside the ex-parte order of eviction is disclosed. To say the least, this original petition has been drafted in a slip shod manner and ignoring the fundamental duty of every citizen to strive for excellence in all spheres of individual and collective activity. It would appear that courts alone are bound to work diligently and the lawyers can afford to be slip shod and take things lightly. However, notwithstanding the omission on the part of the lawyer, we deem it appropriate to dispose of this original petition with a direction to the Rent Control Court, N. Parur to dispose of R.C.P.No.32 of 2013 expeditiously and in any event before the closure of the civil courts for the summer vacation of 2016.

We accordingly dispose of this original petition with a direction to the Rent Control Court, N. Parur to try and dispose of R.C.P.No.32 of 2013 in a time bound manner and in any event, before the closure of the civil courts for the summer vacation of 2016.

(P.N. Ravindran, Judge.)

(Babu Mathew P.Joseph, Judge.)

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