

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

RCRev..No. 3 of 2015 ()

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AGAINST THE ORDER/JUDGMENT IN RCA 20/2011 of ADDL. DISTRICT COURT, TIRUR
DATED 28-10-2014**

**AGAINST THE ORDER/JUDGMENT IN RCP 17/2003 of MUNI-MAGI.COURT,PONNANI
DATED 04-11-2011**

REVISION PETITIONER(S)/APPELLANTS/RESPONDENTS 2 TO 9:

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- 1. BASHEERATH AGED 52 YEARS
D/O.KOTTEPATT KUNHIPPA (LATE)
RESIDING AT PALLIKKARA AMSOM, KANHIYOOR DESOM
PONANI TALUK.**
 - 2. SHEREEFA AGED 49 YEARS
D/O.KOTTEPATT KUNHIPPA (LATE)
RESIDING AT PALLIKKARA AMSOM, KANHIYOOR DESOM
PONANI TALUK.**
 - 3. RASIYA AGED 46 YEARS
D/O.KOTTEPATT KUNHIPPA (LATE)
RESIDING AT PALLIKKARA AMSOM, KANHIYOOR DESOM
PONANI TALUK.**
 - 4. SHUKKUR AGED 43 YEARS
S/O.KOTTEPATT KUNHIPPA (LATE)
RESIDING AT PALLIKKARA AMSOM, KANHIYOOR DESOM
PONANI TALUK.**
 - 5. MUSHTHAVA AGED 41 YEARS
S/O.KOTTEPATT KUNHIPPA (LATE)
RESIDING AT PALLIKKARA AMSOM, KANHIYOOR DESOM
PONANI TALUK.**
 - 6. REMLATH AGED 38 YEARS
D/O.KOTTEPATT KUNHIPPA (LATE)
RESIDING AT PALLIKKARA AMSOM, KANHIYOOR DESOM
PONANI TALUK.**
 - 7. SALEENA AGED 36 YEARS
D/O.KOTTEPATT KUNHIPPA (LATE)
RESIDING AT PALLIKKARA AMSOM, KANHIYOOR DESOM
PONANI TALUK.**

**8. MARIYAKUTTY AGED 71 YEARS
W/O., D/O. KOTTEPATT KUNHIPPA (LATE)
RESIDING AT PALLIKKARA AMSOM, KANHIYOOR DESOM
PONANI TALUK.**

**BY ADVS.SRI.T.KRISHNAN UNNI (SR.)
SRI.VINOD RAVINDRANATH
SRI.SAJU.S.A
SMT.MEENA.A.
SRI.K.C.KIRAN**

RESPONDENT(S)/RESPONDENT/PETITIONER:

**KUTTIYIL SHAMEER, AGED 40 YEARS
S/O.KUTTIYIL MUHAMMED HAJI
BY MUKTHIAR AGENT KUTTIYIL MUHAMMED HAJI
OTHALLOOR AMSOM DESOM, PONANI TALUK
MALAPPURAM DISTRICT - 679 591.**

**BY ADV. SRI.SANTHEEP ANKARATH
BY ADV. SRI.ARUN MATHEW VADAKKAN**

**THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 14-
01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

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R.C.Rev.No. 3 of 2015

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Dated this the 14th day of January, 2015

O R D E R

ANTONY DOMINIC,J:

The tenants in R.C.P.17/2003 on the file of the Rent Control Court, Ponnani, are the revision petitioners. The respondent-landlord filed Rent Control Petition seeking eviction under Sec.11(3) of the Kerala Buildings (Lease and Rent Control) Act stating that he wanted to start a bakery business for his father in the premises in question. That was contested by the tenants and the Rent Control Court by its order dated 4.11.2013 allowed the petition. The tenants challenged the order by filing R.C.A.No.20/2011 before the Rent Control Appellate Authority, Tirur. The appellate authority vide its order dated 28.10.2014 dismissed the appeal. It is in this back ground, that this Revision is filed.

2. We heard the learned counsel for the petitioners and the learned counsel appearing for the respondent landlord

3. Having gone through the orders of the Rent Control Court and the Appellate Authority, we are not satisfied that there is any error committed by either of the authorities in arriving at the conclusion on the bona fide need of the landlord. This therefore means that there is no substance in the contentions raised in the

revision petition.

4. At this stage, the learned counsel for the revision petitioners submitted that since they are using the building for conducting their business, they may be given reasonable time to give vacant possession of the building. On this request, we heard the learned counsel for the landlord also.

5. Taking note of the request so made and considering the fact that the business now carried on by the tenants will have to be shifted to another premises, we allow the petitioners six months' time from today to surrender vacant possession of the premises in question. This shall, however, be subject to the condition that the petitioners shall file an affidavit before the Rent Control Court unconditionally undertaking to surrender vacant possession of the building in question on the expiry of the six months allowed by us and on their continuing to pay the rent without default. The affidavit shall be filed within two weeks from today.

The Revision is disposed of as above.

Sd/-
ANTONY DOMINIC, JUDGE

Sd/-
ALEXANDER THOMAS, JUDGE

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P.S. to Judge

