

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

RCRev..No. 16 of 2015 ()

RCA 63/2009 of RENT CONTROL APPELLATE AUTHORITY, THALASSERY

RCP 78/2008 of RENT CONTROL COURT, TALIPARAMBA

REVISION PETITIONER(S)/APPELLANTS/RESPONDENTS:

- 1. POOMANGALORAKATH PUTHIYAPURAYIL MOIDEEN KUTTY
AGED 54 YEARS
S/O ABOOBACKER SIDHIQUE, NAR PUSHAGIRI CHURCH
TALIPARAMBA P.O., TALIPARAMBA AMSOM DESOM
TALIPARAMBA TALUK, KANNUR DISTRICT**
 - 2. PALLAKKAN AMINA,W/O POOMANGALORAKATH PUTHIYAPURAYIL
AGED 46 YEARS
MODIEEN KUTTY, NEAR PUSHAGIRI CHURCH
TALIPARAMBA P.O., TALIPARAMBA AMSOM DESOM
TALIPARAMBA TALUK, KANNUR DISTRICT**
- BY ADVS.SRI.V.T.MADHAVANUNNI
SRI.V.A.SATHEESH
SRI.J.ABHILASH**

RESPONDENT(S)/RESPONDENTS/PETITIONER:

**KATHIRI KANAKKAPPILLENKATH , AGED 56 YEARS
D/O POCKER HAJI, KARARINAKAM AMSOM DESOM
NEAR CHAMBER OF COMMERCE, KANNUR TALUK
KANNUR DISTRICT 670002.**

**THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 29-
01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

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R.C.Rev.No. 16 of 2015

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Dated this the 29th day of January, 2015

O R D E R

ANTONY DOMINIC, J.:

The respondent landlady filed R.C.P.No.78/2008 before the Rent Control Court, Thaliparamba, seeking eviction of the petitioners under Secs.11(2)(b), 11(4)(iii) and 11(4)(v) of the Rent Control Act. The Rent Control Court, by its order dated 5th March, 2009, allowed the petition under Sec.11(4)(v) of the Act. Against this order, the petitioners filed R.C.A.No.63/2009 before the Additional Rent Control Appellate Authority, Thalassery. In I.A.No.1817/2010 filed by the landlady under Sec.12 of the Rent Control Act, the Appellate Authority passed order dated 18th June, 2014. In that order, the Appellate Authority held that as on 31.5.2014, Rs. 64,000/- was due from the petitioners towards admitted arrears of rent. This amount was directed to be deposited with six per cent interest within a period of 30 days from the date of the order. For its non-compliance, the Appellate Authority passed order dated 11th August, 2014, closing the appeal as also the cross appeal filed by the landlady. It is aggrieved by these orders passed by the Appellate Authority that the tenants have filed this revision.

2. We heard the learned counsel for the petitioners and the considered the submissions made.

3. According to the learned counsel, while passing the order dated 11th March, 2014, the Appellate Authority has not taken into account, the payments of Rs.28,000/-, Rs.22,000/- and Rs. 22,000/- made by the tenants on 3.1.2011, 4.1.2012 and 11.12.2012 respectively. However, we are unable to accept this contention of the counsel. As we have already stated, in the order in I.A.No.1817/2010, the Appellate Authority found that as on 31.5.2014, towards admitted arrears of rent, Rs. 64,000/- was due. The petitioners do not have a case that after the said order was passed by the Appellate Authority, they have remitted any amount. This therefore means that the petitioners did not comply with the order under Sec.12 and therefore the Appellate Authority was justified in passing its order under Sec.12(3) of the Act. The revision fails and is dismissed.

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Sd/-
ANTONY DOMINIC, JUDGE
Sd/-
ALEXANDER THOMAS, JUDGE

P.S. to Judge

