

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

RCRev..No. 21 of 2015 ()  
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AGAINST THE ORDER/JUDGMENT IN RCA 35/2014 of ADDL RENT CONTROL  
APPELLATE AUTHORITY II,KOTTAYAM DATED 21-11-2014

AGAINST IA NO.1249 OF 2013 IN IN RCP 8/2013 of RENT CONTROLLER COURT,  
CHANGANACHERRY

REVISION PETITIONER(S)/APPELLANTS-PETITIONERS-RESPONDENTS:  
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1. THE MAREENA,  
REPRESENTED BY ITS MANAGING PARTNER,  
DEEPAK NARENDRAN,  
S/O T.K.NARENDRAN,  
KADAMPANATTU MATOM, MUVATTUPUZHA PO,  
MUVATTUPUZHA VILLAGE,  
MUVATTUPUZHA TALUK.
2. DEEPAK NARENDRAN, S/O.T.K.NARENDRAN,  
KADAMPANATTU MATOM,  
MUVATTUPUZHA PO,  
MUVATTUPUZHA VILLAGE,  
MUVATTUPUZHA TALUK.
3. K.J.MANI, S/O.IYPE,  
PARTNER OF MAREENA,  
KUELIKALAPURACKAL,  
KADALIKADU PO,  
EAST KADATHY,  
MUVATTUPUZHA VILLAGE,  
MUVATTUPUZHA TALUK.
4. K.J.MATHEW, S/O.IYPE,  
PARTNER OF MAREENA,  
KUELIKALAPURACKAL,  
KADALIKADU PO,  
EAST KADATHY,  
MUVATTUPUZHA VILLAGE,  
MUVATTUPUZHA TALUK.

BY ADVS.SMT.SUMATHY DANDAPANI (SR.)  
SRI.MILLU DANDAPANI

**RESPONDENT(S)/RESPONDENTS-RESPONDENTS-ORIGINAL PETITIONERS:**

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1.     **SHRI.MARTIN JOSEPH,  
S/O LATE JOSEPH,  
KOIPPALLIL HOUSE,  
KURISUMOODU PO,  
CHETHIPUZHA VILLAGE,  
CHANGANACHERRY TALUK,  
PIN 686104.**
  
2.     **SMT.ROSAMMA JOSEPH,  
S/O LATE JOSEPH,  
KOIPPALLIL HOUSE,  
KURISUMOODU PO,  
CHETHIPUZHA VILLAGE,  
CHANGANACHERRY TALUK,  
PIN 686104.**

**THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 03-02-2015 ALONG WITH RCR NO.22/15, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**ANTONY DOMINIC & ALEXANDER THOMAS, JJ.**  
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**RCR Nos. 21 & 22 of 2015**  
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**Dated this the 3<sup>rd</sup> day of February, 2015**

**O R D E R**

Antony Dominic, J.

RCR No.21/15 is filed by the respondents in RCP No.8/13 on the file of the Rent Control Court, Changanacherry, who were also the appellants in RCA No.35/14 on the file of the Rent Control Appellate Authority, Kottayam. RCP was filed by the respondents herein, who are the landlords, under Section 11(2)(b) and 11(3) of the Kerala Buildings (Lease and Rent Control) Act, (hereinafter referred to as the Act for short).

2. The landlords filed IA No.1249/13 before the Rent Control Court and a copy of which was made available by the learned senior counsel for the petitioners shows that the prayer made was under Section 12(1) of the Act. In the said IA, the Rent Control Court passed order dated 24<sup>th</sup> of September, 2014 requiring the petitioners to deposit the admitted rent arrears in the treasury as provided under Rule 5 of the Kerala Buildings (Lease and Rent Control) Rules. It was challenging this order, the tenants filed RCA No.35/14 before the Rent Control Appellate Authority, Kottayam.

3. In so far as RCR No.22/15 is concerned, the tenants who are respondents in RCP No.8/13 mentioned above and who were appellants in RCA No.36/14 are the revision petitioners. In the said RCP, the petitioners herein filed IA No.476/14. The prayer in the IA was that pending resolution of the title dispute raised by the tenants, further proceedings on the application made by the landlords under Section 12(1) of the Act should be kept in abeyance. Considering the said IA, the Rent Control Court passed order dated 24<sup>th</sup> of September, 2014 dismissing the IA. That order was challenged by the tenants in RCA No.36/14.

4. Both the appeals were considered by the Appellate Authority together and the appeals were disposed of by its common judgment dated 21<sup>st</sup> of November, 2014. In the appeals, the Appellate Authority has taken the view that instead of spending time to resolve the disputes raised on the orders passed in the IAs, it would be in the interest of the parties to expeditiously dispose of the RCP itself. Accordingly, the Appellate Court directed that the Rent Control Court will dispose of RCP

No.8/13 before the close of midsummer vacation, untrammelled by the observations contained in the interim orders.

5. In the revisions which are filed aggrieved by the aforesaid orders, the main grievance urged by the learned senior counsel for the petitioners is that the Appellate Court should not have directed disposal of the RCP unless and until the title dispute raised by the tenants is resolved. However, we are not in a position to find fault with the Appellate Court on that ground for the reason that IA No.476/2014 filed by the petitioners did not contain a prayer for a decision on the title dispute as a preliminary issue. As we have already stated, the prayer in IA No.1249/13 in RCA No.8/13 filed by the landlords was for an order under Section 12(1) and the prayer in IA No.476/13 filed by the tenants was for keeping in abeyance the proceedings on the application made by the landlords under Section 12(1) of the Act till the title dispute is resolved. In such circumstances, the present grievance raised before us is beyond the scope of the prayers made by the petitioners in IA No.476/2014, filed by them.

6. We do not find any reason to interfere with the orders passed by the Rent Control Court or the Appellate Authority, which are impugned in these revisions.

RCRs are dismissed.

Sd/-  
**ANTONY DOMINIC  
JUDGE**

Sd/-  
**ALEXANDER THOMAS  
JUDGE**

Rp

//True Copy//

PA to Judge