

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

RCRev..No. 24 of 2015 ()

**AGAINST THE ORDER/JUDGMENT IN RCA 2/2014 of ADDKTIONAL RENT CONTROL
APPELLATE AUTHORITY-I, THIRUVANANTHAPURAM DATED 30-09-2014**

**AGAINST THE ORDER/JUDGMENT IN RCP 54/2011 of II ADDL.MUNSIFF (RCC)
THIRUVANANTHAPURAM DATED 30-09-2013**

REVISION PETITIONER/APPELLANT/COUNTER PETITIONER:

**A.RAHIM AGED 45 YEARS
S/O ASANARUPILLA, RESIDING AT T.C.20/1424
PALLIVILAKA PURAYIDAM, KUNCHALUMOODU, KARAMANA P.OL
THIRUVANANTHAPURAM.**

**BY ADVS.SRI.S.RAJASEKHARAN NAIR
SRI.RAJU SEBASTIAN VADAKKEKKARA**

RESPONDENTS/RESPONDENTS/PETITIONER:

**M.NAJUMA, AGED 50 YEARS
D/O P.A.MUHAMMED KANNU, T.C.11/640-1, MUSEUM
NANTHENCODE, THIRUVANANTHAPURAM.**

**R1 BY ADV. SRI.PRAVEEN VYASAN
R1 BY ADV. SRI.K.AJAYAN**

**THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 05-
02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

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R.C.R. No. 24 of 2015

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Dated this the 5th day of February, 2015

O R D E R

Antony Dominic, J.

The respondent landlady filed RCP No.54/11 before the Rent Control Court, Thiruvananthapuram seeking eviction of the petitioner under Section 11(2)(b), 11(3) and 11(4)(iii) of the Kerala Buildings (Lease and Rent Control) Act. The Rent Control Court by its order dated 30th of September, 2013 allowed the petition under Section 11 (3). The tenant challenged the order by filing RCA No.2/14. The Appellate Authority by its judgment dated 30th of September, 2014 dismissed the appeal. It is aggrieved by these proceedings, this revision is filed.

2. We heard the learned counsel for the petitioner and also the learned counsel for the respondent, who appeared on notice.

3. The only question to be considered is whether the findings of the Rent Control Court as confirmed by the Appellate

Authority under Section 11(3) of the Act suffers from any irregularity justifying interference in this revision petition.

4. The need urged by the landlady was that the landlady and her husband wanted to shift their business to the tenanted premises. According to them, a room in the building in question is already in their possession and they wanted to utilize the said room along with the tenanted premises for expanding their business. This need has been spoken to by PW1, the husband of the landlady. Despite the cross examination, nothing could be brought out to discredit her testimony. It is true that the tenant claimed the benefit of the provisos to Section 11(3). However, both were considered and rejected concurrently by the Rent Control Court and the Appellate Authority on the ground that the tenant, who had the burden to establish the same, failed in doing so.

5. Having considered the matter in its entirety, we do not find any reason to interfere with the findings of the Rent Control Court as confirmed by the Appellate Authority.

RCR is dismissed.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**ALEXANDER THOMAS
JUDGE**

Rp

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PA to Judge