

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

RCCRev.No.27 of 2015

AGAINST THE JUDGMENT IN RCA 14/2012 of ADDL. RENT CONTROL APPELLATE
AUTHORITY-II (ADDL. DISTRICT COURT-II), TRIVANDRUM DATED 27-06-2014

AGAINST THE ORDER IN RCP 99/1997 of RENT CONTROL COURT, (ADDL.
MUNSIFF COURT), TRIVANDRUM DATED 08-02-2012

REVISION PETITIONER(S)/APPELLANTS/PETITIONERS:

1. R.BHADRAKUMAR, AGED 52 YEARS,
S/O.RAMAN PILLAI, CHARTERED ACCOUNTANT, GBN BUILDINGS
VANCHIYOOR, THIRUVANANTHAPURAM.

2. GEETHA NAIR
W/O.BHADRAKUMAR, GBN BUILDINGS, VANCHIYOOR
THIRUVANANTHAPURAM.

BY ADVS.SRI.G.P.SHINOD
SRI.RAM MOHAN.G.
SRI.MANU V.
SRI.GOVIND PADMANAABHAN
SRI.AJIT G.ANJARLEKAR

RESPONDENT/RESPONDENT/COUNTER PETITIONER:

S.LEELADHARAN
TC 28/2862(1), SAHODARA SAMAJAM LANE, VANCHIYOOR
THIRUVANANTHAPURAM.

THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON
09-02-2015, ALONG WITH R.C.R.NO.28/2015, THE COURT ON THE SAME
DAY PASSED THE FOLLOWING:

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

R.C.R.Nos.27 & 28 Of 2015

Dated this the 9th day of February, 2015.

ORDER

Antony Dominic, J.

The Rent Control Petition No.99/1997 was filed by the petitioners herein before the Rent Control Court, Thiruvananthapuram for eviction of respondent-tenant. That was dismissed for default. Seeking its restoration, landlord filed I.A.No.3362/2011. That was also dismissed by the trial court. The order of the trial court was challenged before the Appellate Authority by filing R.C.A.No.14/2012. By judgment dated 27.6.2014 the appeal was allowed. The Appellate Court also ordered that the parties shall appear before the trial court on 29.7.2014, that cost of Rs.3,000/- shall be paid within one month thereafter and that the trial court shall dispose of the Rent Control Petition in four months from the date of appearance of the parties.

2. Petitioners did not comply with this order and subsequently I.A.No.2781/2014 was filed before the Appellate Authority, allegedly on 19.9.2014, seeking enlargement of

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time. That I.A was dismissed by the Appellate Authority by its order dated 31.10.2014.

3. In R.C.R.No.27/2015, the challenge is against the judgment dated 27.6.2014 of the Appellate Authority and in R.C.R.No.28/2015, the challenge is against the order dated 31.10.2014 dismissing I.A.No.2781/2014 in R.C.A.

4. Heard learned counsel for the petitioners and considered the submissions made.

5. The judgment dated 27.6.2014 is a self working one. Admittedly, there is no compliance of the order of the Appellate Authority imposing conditions and as a result, the Rent Control Petition now stands dismissed. When the appeal filed before it is disposed of, it is open to the Appellate Authority to impose conditions which it considers appropriate. Therefore, we do not think that any one of the conditions, including the one requiring payment of cost, imposed by the Appellate Authority in its judgment dated 27.6.2014 suffers from any illegality.

6. That apart, we also notice from the certified copy of the judgment in R.C.A.No.14/2012 that even the copy

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application was made by the petitioner only on 16.10.2014 and after obtaining copy on 30.10.2014, he has filed this revision only now. Therefore, both on legal ground and on the ground of laches, the petitioner is disentitled to any order in R.C.R.No.27/2015.

7. In so far as R.C.R.No.28/2015 is concerned, we fully agree with the court below that the petitioner could not have sought for enlargement of time and if that be so, the order in I.A.No.2781/2014 also cannot be interfered with.

Accordingly, both revisions are dismissed.

**ANTONY DOMINIC,
Judge.**

**ALEXANDER THOMAS,
Judge.**

bkn/-