

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

RCRev.No. 31 of 2015 ()

AGAINST THE JUDGMENT IN RCA 34/2011 of RENT CONTROL APPELLATE AUTHORITY
(ADDL.DISTRICT COURT-I) THALASSERY DATED 27-06-2014

AGAINST THE ORDER IN RCP 11/2010 of RENT CONTROL COURT (MUNSIFF COURT)
PAYYANNUR DATED 23-12-2010

REVISION PETITIONER(S)/2ND APPELLANT AND SUPPL. APPELLANTS 3 TO 8 IN
RCA/2ND RESPONDENT AND L.RS OF DECEASED R1 PETITIONER IN RCP:-

1. K.ABDUL RAHIMAN,
SON OF MAMMAD, PILATHARA P.O.
CHERUTHAZHAM AMSOM DESOM, KANNUR TALUK
KANNUR DISTRICT, PIN - 670 504.
2. KATTOOR NABEESA,
WIFE OF KUNHABDULLA, RESIDING AT KATTOOR HOUSE
PAZHICHYIL, CHERUTHAZHAM AMSOM DESOM
NARIKKAMVALLI P.O., KANNUR DISTRICT, PIN - 670 504.
3. KATTOOR SAKEENA,
DAUGHTER OF KUNHABDULLA, RESIDING AT KATTOOR HOUSE
PAZHICHYIL, CHERUTHAZHAM AMSOM DESOM
NARIKKAMVALLI P.O., KANNUR DISTRICT, PIN - 670 504.
4. KATTOOR THAJUDHEEN
SON OF KUNHABDULLA, RESIDING AT KATTOOR HOUSE
PAZHICHYIL, CHERUTHAZHAM AMSOM DESOM
NARIKKAMVALLI P.O., KANNUR DISTRICT, PIN - 670 504.
5. KATTOOR MUHAMMED FAROOK,
OF KUNHABDULLA, RESIDING AT KATTOOR HOUSE, PAZHICHYIL
CHERUTHAZHAM AMSOM DESOM, NARIKKAMVALLI P.O.
KANNUR DISTRICT, PIN - 670 504.
6. KATTOOR SEENATH,
DAUGHTER OF KUNHABDULLA, RESIDING AT KATTOOR HOUSE
PAZHICHYIL, CHERUTHAZHAM AMSOM DESOM
NARIKKAMVALLI P.O., KANNUR DISTRICT, PIN - 670 504.
7. KATTOOR SHAREEFA,
DAUGHTER OF KUNHABDULLA, RESIDING AT KATTOOR HOUSE
PAZHICHYIL, CHERUTHAZHAM AMSOM DESOM
NARIKKAMVALLI P.O., KANNUR DISTRICT, PIN - 670 504.

BY ADV. SRI.ABRAHAM GEORGE JACOB

RESPONDENT(S)/RESPONDENTS IN RCA/PETITIONER AND R3 IN RCOP:-:

1. NAREEKKODAN RAMLA,
DAUGHTER OF HAMZA, RESIDING AT KOVAPPURAM
KUNHIMANGALAM AMSOM DESOM, KANNUR DISTRICT
PIN - 670 309.

2. NAREEKKODAN KHADEEJA,
DAUGHTER OF HAMZA, RESIDING AT KOVAPPURAM
KUNHIMANGALAM AMSOM DESOM, KANNUR DISTRICT
PIN - 670 309.

R1 BY ADV. SRI.R.PREMCHAND
R1 BY ADV. SMT.A.A.DILSHAH

THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON
13-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

R.C.R.No.31 of 2015

Dated this the 13th day of March, 2015

O R D E R

Antony Dominic, J.

- 1.The tenants in RCP.11/10 on the file of the Rent Control Court, Payyanur, against whom, the order of eviction was passed which order was confirmed by the Rent control Appellate Authority by dismissing RCA.34/11, are the revision petitioners.
- 2.When this petition came up for consideration on 12.2.2015, we heard counsel for the petitioners at length and we were not inclined to agree with the contentions raised by him impugning the concurrent orders passed by the lower authorities under sections 11(3) and 11(4)(iii) of the Kerala Buildings (Lease & Rent Control) Act, 1965. At that stage, counsel confined his prayers for a reasonable time to surrender vacant possession of the building in question. Recording the submission so made, this court passed order admitting the petition for ascertaining the views of the landlord in the matter.

3. Today, when the matter was taken up, we heard counsel for the petitioner and counsel for the landlord. The request made by the counsel for the tenants was for a period of 12 months for surrendering vacant possession of the building in question. This was pointing out the fact that the tenants are conducting a business in the room and that therefore, they need time to search out a new building and shift their business. We feel that the request is reasonable and we are inclined to allow the request as prayed for.

4. Accordingly, this revision is disposed of upholding the orders passed by the Rent Control authority as confirmed by the Appellate Authority but however allowing the tenants 12 months' time from today to surrender vacant possession of the premises to the landlord. This shall however be subject to the tenants filing an unconditional undertaking within three weeks from today before the execution court, agreeing to surrender vacant possession of the building to the landlord on or before the expiry of the 12 months' time allowed to them. They shall also

continue to pay the rent without default during the
aforesaid period.

Revision is dismissed.

Sd/-
ANTONY DOMINIC, Judge.

Sd/-
ALEXANDER THOMAS, Judge.

k kb.

/True copy/

PS to Judge