

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

RCRev..No. 33 of 2015 ()

**AGAINST THE ORDER/JUDGMENT IN RCA 36/2012 of VTH ADDITIONAL DISTRICT
JUDGE AND RENT CONTROL APPELLATE AUTHORITY, ERNAKULAM DATED
14-10-2014**

**AGAINST THE ORDER/JUDGMENT IN RCP 19/2010 of III ADDL.MUNSIFF AND RENT
CONTROL COURT, ERNAKULAM DATED 09-02-2012**

REVISION PETITIONER(S)/APPELLANT/RESPONDENT:

**K.S.THOMAS AGED 61 YEARS,
S/O SAURI, DOOR NO.14/206,
NEAR PALLIPPARAMBUKAVU TEMPLE,
NORTH FORT GATE,
TRIPUNITHURA.**

**BY ADVS.SRI.ABRAHAM P.GEORGE
SMT.M.SANTHY**

RESPONDENT(S)/RESPONDENT/PETITIONER:

**P.SANKARA NARAYANAN, AGED 64 YEARS,
S/O LATE BALAKRISHNA MENON,
CHANDANAM,
IRIMPANAM,
TRIPUNITHURA 680309.**

R1 BY ADV. SRI.DINESH R SHENOY(CAVEATOR)

**THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 16-
02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.
=====

R.C.R. No. 33 of 2015
=====

Dated this the 16th day of February, 2015

O R D E R

Antony Dominic, J.

The tenant in RCP 19/2010 on the file of the Rent Control Court, Ernakulam against whom an order of eviction under Section 11(3) of the Kerala Buildings (Lease and Rent Control) Act was passed and which order was confirmed by the Rent Control Appellate Authority in RCA No.36/2012, is the revision petitioner.

2. RCP was filed by the respondent landlord seeking eviction of the tenant under Section 11(2)(b) and 11(3) of the Act. According to the landlord, rent @₹950/- was in default since October, 2009 and he bona fide needed the premises in question for his occupation for starting a security service. The Rent Control Court rejected the ground under Section 11(2)(b) and allowed eviction under Section 11 (3). Against this order, the tenant filed RCA No.376/12 before the Rent Control Appellate Authority, which was dismissed by the appellate authority by its judgment dated 14th of October, 2014. It is challenging these proceedings, the tenant has filed the revision.

3. We heard the learned counsel for the petitioner and the learned counsel for the respondent landlord, who entered appearance on caveat.

4. Reading of the orders show that before the Rent Control Court and the Appellate Authority, the contentions of the tenant were two fold by disputing the title of the landlord and also the bona fide need urged by the landlord. In so far as the dispute of title is concerned, orders show that the respondent was found to be the co-owner of the property in question and it was therefore that the said dispute raised by the tenant was rejected.

5. In so far as the bona fide need urged by the landlord is concerned, admittedly, landlord is an ex-service man and he has spoken about his decision to establish a security agency in the tenanted premises. There is nothing to suggest that there was anything to doubt the said bona fide need urged by the landlord. We, therefore, do not find any error in the view taken by the Courts below concurrently.

6. RCR is dismissed.

At this stage, learned counsel for the petitioner sought a reasonable time to surrender vacant possession of the tenanted

premises to the landlord. On this request, we heard the learned counsel for the landlord also. Taking note of the request made and also having regard to the fact that the shop rooms in question is used as workshop, we allow six months' time from today to surrender vacant possession of the premises to the landlord. However, this shall be subject to the condition that within two weeks from today, the tenant should file an affidavit before the Rent Control Court/Execution Court unconditionally undertaking to surrender vacant possession of the premises to the landlord on or before the expiry of the six months allowed by us and also subject to his paying the rent without default.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**ALEXANDER THOMAS
JUDGE**

Rp

//True Copy//

PA to Judge