

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

RCRev..No. 35 of 2015 ()

**AGAINST THE ORDER/JUDGMENT IN RCA 57/2012 of RENT CONTROL APPELLATE
AUTHORITY,THRISSUR DATED 17-11-2014**

**AGAINST THE ORDER/JUDGMENT IN RCP 48/2010 of RENT CONTROL
COURT,THRISSUR DATED 12/7/2012.**

REVISION PETITIONER(S)/APPELLANT/1ST RESPONDENT:

**FRANCIS AGED 68 YEARS
S/O.PADAVAN ANTHONI, PUTHENPETTA ERINJERI ANGADI
CHEMBUKKAVU VILLAGE, THRISSUR.**

BY ADV. SRI.RAJIT

RESPONDENT(S)/RESPONDENTS/PETITIONERS & 2ND RESPONDENT:

- 1. ROYSON, AGED 63 YEARS
S/O.PULIKOTTIL KURIAPPAN, THRISSUR VILLAGE, DESAM
TALUK.**
- 2. RINSON, AGED 31 YEARS
S/O.PULIKOTTIL ROYSON, THRISSUR DESAM, VILLAGE
TALUK.**
- 3. BINOY, AGED 37 YEARS
S/O.MAKKAN THOMAD, BLDG.NO.10/469, ERINJERI ANGADI
THRISSUR TALUK.**

R1 BY ADV. SRI.SREEKUMAR.G.CHELUR, CAVEATOR

**THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 25-
02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.
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R.C.R. No. 35 of 2015
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Dated this the 25th day of February, 2015

O R D E R

Antony Dominic, J.

Respondents 1 and 2, the landlords, filed RCP No.48/10 before the Rent Control Court, Thrissur seeking eviction of the petitioner and the 3rd respondent, urging grounds under Section 11(2)(b), 11(3), 11(4)(i) and 11(4)(ii) of the Kerala Buildings (Lease and Rent Control) Act. The Rent Control Court by its order dated 12th July, 2012 allowed the petition on grounds other than 11(4)(2). The order of the Rent Control Court was confirmed by the Rent Control Appellate Authority by dismissing RCA No.57/12 filed by the petitioner herein. It is in these circumstances, the revision is filed.

2. We heard the learned counsel for the petitioner and the learned counsel appearing for respondents 1 and 2.

3. When the matter was taken up for hearing, learned counsel for the petitioner confined his prayer for three months' time to surrender vacant possession of the room in question to respondents 1 and 2. On this request, we heard the learned counsel for the respondent landlords.

Taking note of the submissions made at the Bar, this revision petition is disposed of confirming the orders passed by the Courts below, but however, allowing three months' time from today to the petitioner to surrender vacant possession of the room to respondents 1 and 2. This shall however be subject to the condition that, within two weeks from today, the petitioner shall file an affidavit unconditionally undertaking to surrender vacant possession on the expiry of the three months' period allowed by us. This affidavit shall be filed before the Rent Control Court/Execution Court. The petitioner shall also continue to pay the rent without default.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**ALEXANDER THOMAS
JUDGE**

Rp

//True Copy//

PA to Judge