

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

RCRev..No. 51 of 2015 ()

**AGAINST THE ORDER/JUDGMENT IN RCA 2/2013 of RENT CONTROL APPELLATE
AUTHORITY (II ADDITIONAL DISTRICT COURT),PALAKKAD DATED 19-09-2014**

**AGAINST THE ORDER/JUDGMENT IN RCP 8/2012 of RENT CONTROL COURT
(ADDL.MUNSIFF), PALAKKAD DATED 30-10-2012**

PETITIONER(S)/APPELLANT/RESPONDENT:

**PRIYA @ SUNMUGHA PRIYA AGED 33 YEARS
D/O.LATE NARAYANASWAMY, 43/377
SREENAMPALAYAM VADAKKANTHARA P.O, PALAKKAD TALUK
PALAKKAD DISTRICT.**

**BY ADVS.SRI.BINOY VASUDEVAN
SMT.P.G.BABITHA**

RESPONDENT(S)/RESPONDENTS/PETITIONER:

- 1. SREEJA, D/O.SULOCHANA, AGED 42 YEARS
SIVA NIVAS, NELLISERRY, VADAKKANTHARA P.O
PALAKKAD TALUK, PALAKKAD DISTRICT.**
- 2. PRIYA, D/O.SULOCHANA, AGED 36 YEARS
SIVA NIVAS, NELLISERRY, VADAKKANTHARA P.O
PALAKKAD TALUK, PALAKKAD DISTRICT.**

**R1-R2 BY ADV. SRI.R.HARIKRISHNAN
R1-R2 BY ADV. SRI.E.RAMACHANDRAN
R1-R2 BY ADV. SRI.R.UMASANKAR
R1-R2 BY ADV. SMT.A.REMA BAI
R1-R2 BY ADV. SRI.K.SUDHINKUMAR**

**THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 09-
04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

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R.C.R. No. 51 of 2015

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Dated this the 9th day of April, 2015

O R D E R

Antony Dominic, J.

Respondents filed RCP No.8/12 before the Rent Control Court, Palakkad seeking eviction of the petitioner and her deceased mother, who was also impleaded as the 1st respondent. The Rent Control Court allowed the petition, which was confirmed by the Rent Control Appellate Authority, Palakkad by dismissing RCA No.2/13 filed by the petitioner. It is aggrieved by these orders, revision is filed.

2. When this revision came up for hearing before this Court on 9/3/15, we heard the learned counsel for the petitioner in detail. However, we were not inclined to interfere with the orders and when that was made known to the counsel for the petitioner, he sought reasonable time to surrender vacant possession of the building to the landlords. Recording the above request made by the counsel, this

Court passed order dated 9/3/15 issuing notice to the respondents and also staying the proceedings for eviction in EP No.177/14 on the file of the Rent Control Court, Palakkad. Today, we heard the learned counsel for the petitioner and the learned counsel for the landlords also. Though the learned counsel for the petitioner sought one year's time to surrender vacant possession, such a long time sought for was objected to by the learned counsel for the respondents.

3. Having regard to the circumstances pointed out by the learned counsel for the petitioner, particularly that the premises in question is used for residential purposes, we allow the petitioner nine months time from today to surrender vacant possession of the building to the landlords. This shall, however, be subject to the condition that, on or before 26/5/15, the petitioner shall file an affidavit before the Execution Court unconditionally undertaking to surrender vacant possession on or before the expiry of the nine months

period allowed by this Court. She shall also continue to pay the rent without default during the period in question.

Subject to the above, RCR is dismissed.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**ALEXANDER THOMAS
JUDGE**

Rp

//True Copy//

PA to Judge