

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

RCRev..No. 59 of 2015 ()

**AGAINST THE ORDER/JUDGMENT IN RCA 138/2013 of RENT CONTROL APPELLATE
AUTHORITY/1ST ADDL.DISTRICT COURT, KOZHIKODE DATED 20/1/15**

**AGAINST THE ORDER/JUDGMENT IN RCP 62/2011 of RENT CONTROL
COURT/ADDITIONAL MUNSIF-1, KOZHIKODE DATED 31/10/13**

REVISION PETITIONER/APPELLANT/RESPONDENT:

**C.ABDUL RAHIM AGED 57 YEARS
S/O.KUNHAMMU, KALOOR ROAD, MANKAVU P O
VALAYANAD AMSOM, DESOM, KOZHIKODE DIST**

**BY ADVS.SRI.R.BINDU (SASTHAMANGALAM)
SRI.PRASANTH M.P**

RESPONDENT(S)/RESPONDENT/PETITIONER:

**SUNDARAM PALLI AZEEZ, AGED 40 YEARS
S/O.MUHAMMED KOYA, MINI PALACE
PANNIYANKARA AMSOM DESOM, KOZHIKODE TALUK, PIN-673602**

**BY ADV. SRI.K.B.SIVARAMAKRISHNAN
BY ADV. SRI.K.SANEESH KUMAR**

**THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 07-
04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.
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R.C.R. No. 59 of 2015
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Dated this the 7th day of April, 2015

O R D E R

Antony Dominic, J.

Heard both sides.

2. Respondent landlord filed RCP No.62/11 on the file of the Rent Control Court, Kozhikode seeking eviction of the petitioner under Section 11(3) of the Kerala Buildings (Lease and Rent Control) Act. The Rent Control Court by its order dated 31st of October, 2013 allowed the petition. This order was confirmed by the Rent Control Appellate Authority by its judgment dated 20th of January, 2015 dismissing RCA No.138/13 filed by the tenant. It is in this background, the tenant has filed this revision.

3. When this revision came up for consideration on 18/3/15, we heard the learned counsel for the petitioner at length. However, we were not impressed by the contentions raised. Realising this, learned counsel for the petitioner made a request that he be given 8 months' time to surrender vacant possession of the building in question to the landlord. Recording the above submission, we

issued notice to the landlord in order to ascertain his views also in the matter. It is accordingly that today both sides appeared before us.

4. As we have already stated, the only issue is whether the petitioner should be given time as sought for by him for surrendering vacant possession of the building in question. His prayer is for 8 months time. Admittedly, the petitioner is conducting a business in the tenanted premises and he needs reasonable time to shift out his business to a new place. Taking note of this reality, we do not think that the request made by the tenant is an unreasonable one.

5. Therefore, we allow the tenant time till 31st of December, 2015 to surrender vacant possession of the building to the landlord. This, however, shall be subject to the condition that the tenant shall, before 26th of May, 2015, file an affidavit before the Execution Court, unconditionally undertaking to surrender vacant possession of the building to the landlord on or before the

expiry of the time allowed by this Court. He shall also continue to pay the rent without any default during the said period.

Revision is disposed of accordingly.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**ALEXANDER THOMAS
JUDGE**

Rp

//True Copy//

PA to Judge