

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 MARCH 2015/4TH CHAITHRA, 1937

RCRev..No. 63 of 2015 ()

AGAINST RCP NO.80/2009 OF RENT CONTROL COURT, THRISSUR DATED 16/02/2011

**AGAINST THE ORDER/JUDGMENT IN RCA 102/2011 of IV.ADDL.RENT CONTROL
APPELLATE AUTHORITY, THRISSUR DATED 22-08-2014**

REVISION PETITIONER(S)/APPELLANTS/RESPONDENTS:

- 1. THE KERALA STATE HANDLOOM WEAVERS CO-OPERATIVE SOCIETY LTD
(HANTEX) REPRESENTED BY THE MANAGING DIRECTOR,
HANTEX, THIRUVANANTHAPURAM 695001.**
- 2. THE MANAGER, HANTEX,
PAZHAYA NADAKKAVU,
THRISSUR CORPORATION,
THRISSUR 680584.**

BY ADV. SRI.T.M.RAMAN KARTHA, SC, HANTEX

RESPONDENT(S)/RESPONDENTS/PETITIONERS:

- 1. VISWANATHAN, S/O.LATE RAGHAVA MENON,
KOUSTHUBHA, KALLAMPILLY GARDENS,
KALLAMPILLY, SREEKARYAM,
THIRUVANANTHAPURAM 695017.**
- 2. MRS.CHANDRA MENON, D/O.LATE RAGHAVA MENON,
169, GULMOHAR ENCLAVE,
NEW DELHI, REPRESENTED BY
POWER OF ATTORNEY HOLDER 1ST RESPONDENT
VISWANATHAN, KOUSTHUBHAM,
SREEKARIAM,
THIRUVANANTHAPURAM 695017.**

BY ADV.SRI.JACOB VARGHESE (SR)

**THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 25-
03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.
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R.C.R. No. 63 of 2015
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Dated this the 25th day of March, 2015

O R D E R

Antony Dominic, J.

The tenant, who was the 1st respondent in RCP No.80/09 on the file of the Rent Control Court, Thrissur against whom an order of eviction was passed, which order has been confirmed by the Rent Control Appellate Authority in RCA No.102/11, is the revision petitioner.

2. We heard the learned counsel for the petitioners and the learned senior counsel appearing for the respondents.

3. From the orders impugned itself, it can be seen that the landlords had also filed RCP No.92/2009 along with RCP No.80/09. The Rent Control Court decided both cases together and accepting the *bona fide* need of the landlords, eviction was ordered. While the tenant herein challenged the order of eviction in RCA No.102/11, the tenant in RCP No.92/09 had also filed RCA No.100/11. The Rent Control Appellate Authority dismissed both the appeals by its common judgment dated 22nd of August, 2014. Challenging the proceedings in RCA No.100/11, the tenant therein had filed RCR

No.9/15. That revision was dismissed by this Court by order dated 15th of January, 2015.

4. Reading of the order impugned shows that the reasons assigned by the Rent Control Court and the appellate authority in deciding both these cases are common. In such circumstances, with the dismissal of RCR No.9/15, the issues canvassed by the tenant herein also stands answered against them.

5. In the above circumstances, the revision deserves only to be dismissed and we do so.

However, learned counsel for the petitioners sought a reasonable time to surrender vacant possession of the premises to the landlords. Though this request was opposed by the learned senior counsel for the respondents/landlords, still, having regard to the fact that it is a commercial establishment and that the 1st petitioner is a Co-operative Society, we allow the petitioners three months' time from today to surrender vacant possession of the tenanted premises to the landlords. This shall, however, be subject to the condition that the first petitioner shall file an affidavit within three weeks from today before the Execution Court unconditionally undertaking to surrender vacant possession

of the tenanted premises to the landlords on or before the expiry of the three months' period allowed by this Court and also on their continuing to pay rent without default.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**ALEXANDER THOMAS
JUDGE**

Rp

//True Copy//

PA to Judge