

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT:

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

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

RCRev..No. 67 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN RCA 99/2013 of RENT CONTROL APPELLATE
AUTHORITY/1ST ADDL.DISTRICT COURT, KOZHIKODE DATED 22-11-2014

AGAINST THE ORDER/JUDGMENT IN RCP 80/2012 of RENT CONTROL COURT/MUNSIFF'S
COURT, VADAKARA DATED 31-07-2013

REVISION PETITIONER(S)/APPELLANT/RESPONDENT-TENANT:

THE KERALA STATE CO-OPERATIVE CONSUMER'S FEDERATION LTD
(CONSUMER FED), GANDHI NAGAR, CONVENT JUNCTION
ERNAKULAM LICENSE NO.682020
REPRESENTED BY ITS MANAGING DIRECTOR, CONSUMER FED
ERNAKULAM)

BY ADVS.SRI.K.M.JAMALUDHEEN
SMT.LATHA PRABHAKARAN
SRI.K.K.KRISHNA KUMAR

RESPONDENT(S)/RESPONDENT/PETITIONERS-LANDLORDS:

1. K.P.KUNHABDULLA, AGED 54 YEARS
S/O. MOOSA HAJI, KUNHIPARAMBATH HOUSE
VAIKKILASSERY AMSOM, KURIKKILAD DESOM, VATAKARA TALUK
KURIKKILAD POST, KOZHIKODE DISTRICT-673 104
2. K.P. BASHEER, AGED 51 YEARS
S/O. MOOSA HAJI, KUNHIPARAMBATH HOUSE
VAIKKILASSERY AMSOM, KURIKKILAD DESOM, VATAKARA TALUK
KURIKKILAD POST, KOZHIKODE DISTRICT-673 104
3. K.P. HASHIM, AGED 49 YEARS
MOOSA HAJI, KUNHIPARAMBATH HOUSE, VAIKKILASSERY AMSOM
KURIKKILAD DESOM, VATAKARA TALUK, KURIKKILAD POST
KOZHIKODE DISTRICT-673 104
4. K.P. USMAN, AGED 45 YEARS, S/O. MOOSA, KUNHIPARAMBATH HOUSE,
VAIKKILASSERY AMSOM, KURIKKILAD DESOM,
VATAKARA TALUK, KURIKKILAD POST, KOZHIKODE DISTRICT-673 104,
5. K.P. HAKEEM, AGED 43 YEARS
S/O. MOOSA, KUNHIPARAMBATH HOUSE, VAIKKILASSERY AMSOM
KURIKKILAD DESOM, VATAKARA TALUK, KURIKKILAD POST
KOZHIKODE DISTRICT-673 104

R1-R15 BY ADV. SRI.T.SETHUMADHAVAN (SR.)
R1-R5 BY ADV. SRI.PUSHPARAJAN KODOTH
R1-R5 BY ADV. SMT.VANDANA MENON
R1-R5 BY ADV. SMT.N.DEEPA

THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 01-04-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

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R.C.Rev.No. 67 of 2015

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Dated this the 1st day of April, 2015

O R D E R

ANTONY DOMINIC, J.:

Heard the learned counsel for the petitioner and the learned Senior Counsel, who entered appearance for the respondents.

2. The respondents filed R.C.P.No.80/2012 on the file of the Rent Control Court, Vadakara, seeking eviction of the petitioner from the tenanted premises invoking the grounds under Secs. 11(2)(b) and 11(3) of the Act. The Rent Control Court, by its order dated 31st July, 2013, ordered eviction under Sec.11(3). This was confirmed by the Rent Control Appellate Authority, Kozhikode, by dismissing R.C.A.No.99/2013 filed by the petitioner. It is in this background, the revision is filed. Though various grounds have been urged impugning the finding of the Rent Control Court as confirmed by the Appellate Authority ordering eviction under Sec.11 (3), we were not inclined to accept the said contentions. When that was made known to the learned counsel for the petitioner, the counsel had sought reasonable time to surrender vacant possession of the building to the landlord. Recording the said submission, this Court passed order dated 25.3.2015 issuing notice to the landlords

and it is accordingly, they too have entered appearance.

3. Today when the matter was taken up, the learned counsel for the petitioner requested that they be given time till 31.12.2015 to surrender vacant possession of the building to the landlords. Considering the fact that the tenant will have to search out a new building and shift their establishment, the request now made does not appear to be an unreasonable one. Therefore, we allow the petitioner time till 31.12.2015 as sought for by them to surrender vacant possession of the building to the landlords. This shall, however, be subject to the condition that on or before 10.4.2015 the tenant shall file an affidavit before the execution court unconditionally undertaking to surrender vacant possession of the building to the landlords on or before 31.12.2015 and they shall also continue to pay rent without default during the said period.

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Sd/-
ANTONY DOMINIC, JUDGE
Sd/-
ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge