

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

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

**MONDAY, THE 6TH DAY OF APRIL 2015/16TH CHAITHRA, 1937**

**RCRev..No. 68 of 2015 ()**  
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**AGAINST THE ORDER/JUDGMENT IN RCA 9/2012 of RENT CONTROL APPELLATE  
AUTHORITY (ADDITIONAL DISTRICT COURT- I), KALPETTA DATED 22-01-2015**

**AGAINST THE ORDER/JUDGMENT IN RCP 15/2010 of RENT CONTROLLER (MUNSIFF  
MAGISTRATE), SULTHAN BATHERY DATED 24-01-2012**

**PETITIONER IN RCR/APPELLANT IN RCA/RESPONDENT IN RCP**  
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**M.K.MOIDEEN KOYA AGED 53 YEARS  
S/O. YOUSEF, MP/VII/482, MEENANGADI POST  
PURAKKADI VILLAGE, SULTHAN BATHERY TALUK  
WAYANAD DT - 673 591.**

**BY ADVS.SRI.P.B.KRISHNAN  
SRI.P.M.NEELAKANDAN  
SRI.P.B.SUBRAMANYAN**

**RESPONDENT IN RCR/RESPONDENT IN RCA/PETITIONER IN RCP:**  
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**C.H.ALI MUHAMED, AGED 58,  
S/O. ALAVI, MAKKA MANZIL, MEENANGADI POST  
PURAKKADI VILLAGE, SULTHAN BATHERY TALUK  
WAYANAD DT -673 591.**

**BY ADV. SMT.SARITHA THOMAS  
BY ADV. SRI.SAJEEVAN KURUKKUTTIYULLATHIL**

**THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 06-  
04-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**ANTONY DOMINIC & ALEXANDER THOMAS, JJ.**

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**R.C.R. No. 68 of 2015**

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**Dated this the 6<sup>th</sup> day of April, 2015**

**O R D E R**

Antony Dominic, J.

Heard the learned counsel for the petitioner/tenant and the learned counsel appearing for the respondent/landlord.

2. Respondent filed RCP No.15/10 on the file of the Rent Control Court, Sulthan Bathery seeking eviction of the petitioner under Section 11(3) and 11(4)(iii) of the Kerala Buildings (Lease and Rent Control) Act. After trial, the Rent Control Court by its order dated 24<sup>th</sup> of January, 2012 allowed the petition and ordered the tenant to vacate the shop room in question. This order was confirmed by the Rent Control Appellate Authority, Kalpetta by dismissing RCA No.9/12 filed by the tenant. It is aggrieved by the above, the tenant has filed this revision petition.

3. The revision petition came up for consideration before this Court on 25/3/15, when we heard the learned counsel for the petitioner at length. Having heard the learned counsel for the petitioner and considering the submissions made, we were not inclined to interfere with the orders under challenge. When this was conveyed to the counsel for the petitioner, he requested that the

tenant be given reasonable time to surrender vacant possession of the building. Recording the above submission made by the counsel, this Court passed order dated 25/3/15 admitting the revision petition and issuing notice in order to ascertain the views of the landlord on the request made.

4. Today, we heard both sides and considering the request made by the tenant and the submissions made by the landlord, we allow the tenant nine months' time from today to surrender vacant possession of the building to the landlord. This shall, however, be subject to the condition that the tenant shall, before 25<sup>th</sup> of May, 2015, file an affidavit before the Execution Court, unconditionally undertaking to surrender vacant possession of the building in question to the landlord on or before the expiry of the nine months' period allowed by this Court. He shall also continue to pay the rent without default.

RCR is disposed as above.

Sd/-  
**ANTONY DOMINIC  
JUDGE**

Sd/-  
**ALEXANDER THOMAS  
JUDGE**

Rp

//True Copy//  
PA to Judge