

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

&

THE HONOURABLE MRS. JUSTICE MARY JOSEPH

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

RCRev..No. 85 of 2015 ()

AGAINST THE ORDER IN RCA 21/2009 of ADDITIONAL DISTRICT COURT,
IRINJALAKUDA DATED 24-11-2014

AGAINST THE ORDERIN RCP 22/2008 of MUNSIFF COURT, KODUNGALLUR DATED
29-01-2009

REVISION PETITIONER(S)/APPELLANT/TENANT:

HAMSA

S/O VAIPPIPADATH MUHAMMED KUNJI, PEINJANAM VILLAGE

KODUNGALLUR TALUK, MOONUPEEDIKA CENTRE

WEST OF N.H CHERUVATTOM

SHOPPING CENTRE GROUND FLOOR, THRISSUR DISTRICT

BY ADVS.SRI.SANTHOSH P.PODUVAL

SMT.R.RAJITHA

SRI.K.D.SREEVISAKH

RESPONDENT(S)/LANDLORD:

ABDUL MAJEED

S/O CHERUVATTATH AHAMMED

KAIPAMANGALAM VILLAGE AND DESOM, KODUNGALLUR TALUK

THRISSUR DISTRICT 680 664

BY ADV. SRI.K.G..BALASUBRAMANIAN (CAVEATOR)

THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON
21-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.SURENDRA MOHAN & MARY JOSEPH, JJ.

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R.C.Rev. No.85 OF 2015

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Dated this the 21st day of May, 2015

ORDER

Surendra Mohan,J.

The tenant is the revision petitioner. Eviction has been ordered under Section 11(2)(b) and 11(4)(v) of the Kerala Buildings (Lease and Rent Control) Act, 1965. Both the grounds have been found against the tenant concurrently by the Rent Control Court as well as the Appellate Authority.

2. We have heard Advocate Sri.Santhosh P Pothuval, who appears for the petitioner as well as Advocate Sri.K.G Balasubramaniyan, who appears for the respondent.

3. Having heard the counsel appearing for the respective parties, we do not find any grounds to admit this revision. According to the counsel for the revision petitioner, though the tenant had kept the room locked for some time due to illness, he has subsequently restarted the business and the same is being carried on in full swing. For the above reasons, he seeks grant of a longer period of time to vacate the premises. The request of the

counsel for the revision petitioner is vehemently opposed by the counsel for the respondent. According to the counsel for the respondent, the time already granted by the court below is sufficient and no further indulgence is necessary to be shown by this Court.

4. Having bestowed our anxious consideration to the contentions advanced by the counsel appearing for the respective parties, we are of opinion that, it is necessary to grant time to the tenant to vacate the premises up to 31.12.2015.

5. In view of the above, this R.C.Rev is dismissed. However, the revision petitioner is granted time to vacate the premises up to 31.12.2015 on condition that he pays to the respondent/land lord the up-to-date arrears of rent that is remaining unpaid, within one month of the date of receipt of a copy of this judgment and continues to pay the rent for the premises each month, without delay or default until he vacates the premises. The revision petitioner shall also file an affidavit before the Rent Control Court in R.C.P No.22 of 2008 undertaking to vacate the premises on or before 31.12.2015. The affidavit shall be filed within a period of two weeks of the date of receipt of a copy of this judgment. In the event of the tenant committing default in

complying with any of the above conditions, the landlord shall be at liberty to pursue further proceedings in accordance with law for getting the vacant possession of the premises.

Sd/-
K.SURENDRA MOHAN, JUDGE

Sd/-
MARY JOSEPH, JUDGE

vdv