

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN
&
THE HONOURABLE MRS. JUSTICE ANIL K. NARENDRA**

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

RCRev..No. 142 of 2015 ()

**AGAINST THE ORDER/JUDGMENT IN RCA 47/2013 of 2ND ADDITIONAL RENT
CONTROL APPELLATE AUTHORITY, KOZHIKODE**

**AGAINST THE ORDER/JUDGMENT IN RCP 104/2011 of RENT CONTROL COURT,
KOZHIKODE-II DATED 27-03-2013**

REVISION PETITIONER(S)/PETITIONER:

**BABURAJAN
S/O.KANNAMATH KANDAKUTTY, 28/3891
NELLIKODE AMSOM AND DESOM, KOZHIKODE TALUK**

BY ADV. SRI.JACOB ABRAHAM

RESPONDENT(S)/RESPONDENT:

- 1. SARASU @ SARASWATHY
W/O.V P KRISHNAN, R/A.VADAKKANPARAMBIL
NELLIKODE AMSOM AND DESOM OF KOZHIKODE TALUK 673001**
- 2. V P RAJESH
S/O.V KRISHNAN, R/A.VAKKANAPARAMBIL, NEELIKODE AMSOM
KOZHIKODE TALUK, 673001**

**THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON
22-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

kkj

**K.SURENDRA MOHAN &
ANIL K. NARENDRAN, JJ.**

R.C.R. No.142 of 2015

Dated this the 22nd day of June , 2015

O R D E R

Surendra Mohan, J.

The tenant in a petition for fixation of fair rent has filed this revision against the concurrent findings of the Rent Control Court as well as the Rent Control Appellate Authority. The tenanted premises consists of two rooms that are occupied by the petitioners. According to the petitioners, one room is only a staircase room. Both the rooms form part of an old building. The first room was taken on rent in the year 1957 on a monthly rent of Rs.2/-. The second room was taken on a monthly rent of Rs.12.50/- per month. The rent has been enhanced by the Rent Control Court to Rs.500/- and Rs.2000/- per month respectively. The order has been confirmed by the Appellate Authority. It is against the said proceedings that this Revision Petition is filed.

2. According to Advocate Jacob Abraham who appears for the petitioner, though the building is situate close to the Mavoor Road at Kozhikode, the building in question is an old one with no facilities or amenities comparable to a modern building. The road by the side of which the building is situate, is a narrow bye lane and does not command the commercial importance of Mavoor Road. The Advocate Commissioner has reported that, the rent in the locality ranges between Rs.1000 and Rs.1500/-. In spite of the above, the Rent control Court has fixed the rent for one of the rooms at Rs.500/- and the other at Rs.1500/- It is the contention of the petitioner that, the petitioner is conducting a ration shop from one of the shop rooms. He gets only commission for the articles sold. Therefore, the income from his business is also not substantial. The above aspects have not been considered by the authorities below. Therefore, it is contended that the proceedings of the authorities below require interference in the revision.

3. Heard. We have gone through the judgment of the Rent Control Court as well as the Rent Control

Appellate Authority. We find that the authorities below have considered the evidence, properly. The rent that is presently being paid by the tenant is insignificant. It does not stand to reason why the landlord had not sought for an enhancement of the rent on an earlier date. The tenant has been in occupation of the shop rooms paying only a paltry rent all these years. It is true that, according to the Advocate Commissioner, the rent in locality ranges between Rs.500 and Rs.1500 per month. The Advocate Commissioner has reported that the rent paid by a vegetable shop was Rs.500/- per month. However, it has also come in evidence in that other shops like Kalyan Sarees and Reliance Showroom are close by, indicating that the locality is commercially very important. It has been found by the Rent Control Court that, the road by the side of which the tenanted premises are situate is less important than the Mavoor Road. However, considering the prevailing rent in the locality, the Rent Control Court has fixed the rent for the premises at Rs.500 and Rs.2,000/- respectively. We are not satisfied that the rent fixed is excessive. No

illegality, impropriety or irregularity justifying an interference with the proceedings of the authorities below in exercise of our revisional jurisdiction has been brought to our notice. Therefore, we do not find any grounds to interfere with the judgment of the Appellate Authority.

4. For the above reasons, this revision is dismissed.

The counsel for the petitioner seeks the grant of one month's time to pay off the entire arrears of rent in respect of the premises. We are satisfied that, the time can be granted. Therefore, the petitioner tenant is granted a month's time to pay off the entire arrears of rent, from the date of receipt of a copy of this order.

Sd/-
**K.SURENDRA MOHAN
JUDGE**

Sd/-
**ANIL K.NARENDRAN
JUDGE**

kkj

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PA TO JUDGE