

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN
&
THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH**

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

RCCRev..No. 231 of 2015 ()

**AGAINST THE JUDGMENT IN RCA 14/2014 of II ADDL. RENT CONTROL APPELLATE
AUTHORITY,TRIVANDRUM DATED 10.06.2015**

AGAINST THE ORDER IN RCP 82/2011 of RENT CONTROL COURT, TVM DATED 23.01.2014

REVISION PETITIONER/APPELLANT/COUNTER PETITIONER:

**VINOD R.KURUP,
ANAKKUNNATHU NOTE BOOKS,
GANDHARI AMMAN KOVIL ROAD,
THIRUVANANTHAPURAM.**

BY ADV. SRI.J.HARIKUMAR

RESPONDENTS/RESPONDENTS/PETITIONERS:

- 1. S.KRISHNAN, AGED 65 YEARS
HINDU, S/O.P.SUBBAIH PILLAI, T.C.NO.53/3
GANDHARI AMMAN KOVIL ROAD, THIRUVANANTHAPURAM - 695 015.**
- 2. K.GANESAN, AGED 39 YEARS
S/O.KRISHNAN, HINDU, T.C.NO.53/3
GANDHARI AMMAN KOVIL ROAD, THIRUVANANTHAPURAM - 695 015.**

R1-R2 BY ADV. SRI.G.S.REGHUNATH

**THIS RENT CONTROL REVISION HAVING BEEN FINALLY HEARD ON 30-10-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

VPV

P.N.RAVINDRAN & BABU MATHEW P. JOSEPH, JJ.

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R.C.R.No.231 of 2015

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Dated this the 30th day of October, 2015

ORDER

P.N.Ravindran, J.

The petitioner is the tenant in R.C.P.No.82 of 2011 on the file of the Rent Control Court, Thiruvananthapuram, a petition for eviction filed by the respondents under section 11(3) of the Kerala Buildings (Lease and Rent Control) Act, 1965, hereinafter referred to as "the Act" for short. By order passed on 23.01.2014, the rent control court held that the bonafide need put forward is true and genuine. The contention of the tenant that he is entitled to the protection of the first and second provisos to section 11(3) of the Act was repelled. An order of eviction was accordingly passed on 23.01.2014, directing the tenant to put the landlords in possession of the building within a period of three months. The tenant carried the matter in appeal by filing R.C.A. No.14 of 2014 on the file of the Rent Control Appellate Authority, Thiruvananthapuram. By judgment delivered on 10.06.2015, the rent control appellate authority concurred with the rent control court and dismissed the appeal. Hence this revision petition.

2. When this revision petition came up for admission hearing before us on 18.09.2015, learned counsel appearing for the petitioner/

tenant submitted that the petitioner is only desirous of getting time till 30.04.2016 to surrender vacant possession of the petition schedule building. The learned counsel submitted that the tenant has already obtained another shop room on lease, that the interior works are going on, that a large volume of stock is required to be shifted and therefore, having regard to the aforesaid facts, time may be granted till 30.04.2016 to surrender vacant possession of the petition schedule shop room. Having regard to the said submission, we issued notice returnable in ten days to the respondents/landlords along with a copy of that order. The revision petition has come up before us today after service of notice on the respondents/landlords.

3. We heard Sri.J.Harikumar, learned counsel appearing for the petitioner and Sri.G.S.Reghunath, learned counsel appearing for the respondents. Though the learned counsel appearing for the petitioner reiterated the submission earlier made by him on 18.09.2015 and prayed for grant of time till 30.04.2016 to surrender vacant possession of the building, learned counsel appearing for the landlords vehemently opposed the said request. Having regard to the fact that all that the tenant seeks is six months' time from today to shift his business to another building which he has taken on lease and as the interior works are going on, we deem it appropriate to grant the tenant time till 30.04.2016 to surrender vacant possession of the building. We

accordingly dispose of the revision petition with the following directions:-

- i. The petitioner/tenant shall within three weeks from today, file an undertaking in the form of an affidavit in the rent control court, undertaking to surrender vacant possession of the petition schedule building to the respondents/landlords on 30.04.2016.
- ii. The tenant shall deposit or pay to the landlords the arrears of rent if any within three weeks from today and undertake in the affidavit to be filed as directed above, that he will continue to pay rent till the date of surrender.
- iii. The tenant shall also undertake that he will not induct third parties into possession of the petition schedule building or commit acts of waste therein.
- iv. In the event of failure on the part of the petitioner/tenant to file an affidavit within the time limit stipulated above, it will be open to the landlords to forthwith execute the order of eviction.

Sd/-

**P.N.RAVINDRAN
JUDGE**

Sd/-

**BABU MATHEW P. JOSEPH
JUDGE**

/true copy/

P.A. to Judge