

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 8TH DAY OF DECEMBER 2015/17TH AGRAHAYANA, 1937

RCRev..No. 298 of 2015 ()

**AGAINST THE ORDER/JUDGMENT IN RCA 116/2012 of RENT CONTROL APPELLATE
AUTHORITY,THALASSERY DATED 30-05-2015**

**AGAINST THE ORDER/JUDGMENT IN RCOP 10/2010 of RENT CONTROL COURT,
TALIPARAMBA DATED 22-02-2012**

PETITIONER/APPELLANT/RESPONDENT:

**AYIPPUZHA MADATHIL NARAYAN,
S/O.SANKARAN NAMBISSAN, KANIKUNNU, TALIPARAMBA AMSOM,
DESOM, TALIPARAMBA TALUK, P.O. TALIPARAMBA, KANNUR DISTRICT.**

**BY ADVS.SMT.VIDHYA. A.C
SRI.A.C.VENUGOPAL**

RESPONDENT/RESPONDENT/PETITIONER:

**POOMANGALORAKATH SIDHIQUE,
S/O.ABDURAHIMAN, MARIYUMMAS, KARIAMBALAM,
TALIPARAMBA AMSOM DESOM, TALIPARAMBA TALUK,
P.O.TALIPARAMBA, KANNUR DISTRICT - 670 103.**

BY ADV. SRI.R.SURENDRAN

**THIS RENT CONTROL REVISION HAVING BEEN FINALLY HEARD ON 08-12-2015,
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.298 of 2015

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Dated this the 30th day of November, 2015

ORDER

P.N.Ravindran, J.

The petitioner is the tenant in R.C.P.No.10 of 2010 on the file of the Rent Control Court, Taliparamba, a petition filed by the respondent/landlord for an order of eviction under sections 11(2)(b) and 11(8) of the Kerala Buildings (Lease and Rent Control) Act, 1965, hereinafter referred to as "the Act" for short. Overruling the objections raised by the tenant, by order passed on 22.02.2012, the rent control court allowed R.C.P.No.10 of 2010 and granted an order of eviction under section 11(8) of the Act. The prayer for eviction under section 11(2)(b) was declined. Challenging the said order of eviction, the tenant filed R.C.A.No.116 of 2012 on the file of the Rent Control Appellate Authority, Thalassery. By judgment delivered on 30.5.2015, the appellate authority dismissed the appeal. Hence this revision petition. 2. When this revision petition came up for hearing before us on 30.11.2015, Sri.R.Surendran, learned counsel appearing for the respondent/landlord submitted that the landlord is willing to let out the building bearing door No.TMC XI/1685 having an area of

14.40 square metres to the petitioner/tenant. The learned counsel also submitted that the landlord has no objection in the tenant occupying the said premises from 1.12.2015 onwards, on monthly rent to be fixed by this court subject to the landlord's right to apply for fixation of fair rent. We accordingly adjourned the revision petition to 7.12.2015 so as to enable the parties to come to an amicable out of court settlement.

3. When the revision petition came up for hearing today, learned counsel on both sides submitted that the tenant has vacated the petition schedule building namely premises bearing door No.TMC XI/1680 and taken on rent the premises bearing door No.TMC XI/1685. Learned counsel for the petitioner submitted that the petitioner is now in possession of the premises bearing door No.TMC XI/1685 as its tenant with liability to pay ₹2,000/- per mensem as rent until the fair rent is fixed by the rent control court.

In the light of the aforesaid development, we find no reason to keep this revision petition pending any further. It is accordingly closed as infructuous reserving liberty with the landlord to file an application before the rent control court under section 5 of the Act to have the fair rent of the premises bearing door No.TMC XI/1685 fixed with effect from the date of entrustment namely 1.12.2015. The landlord shall

R.C.R.No.298 of 2015

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produce a certified copy of this judgment before the execution court and take appropriate steps to record satisfaction of the order of eviction.

Sd/-

**P.N.RAVINDRAN
JUDGE**

Sd/-

**BABU MATHEW P. JOSEPH
JUDGE**

/true copy/

P.A. To Judge

vpv