

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN

&

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

RCRev..No. 329 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN RCA 106/2010 of RENT CONTROL APPELLATE
AUTHORITY, VADAKARA DATED 22.8.2015

AGAINST THE ORDER/JUDGMENT IN RCP 16/2009 of RENT CONTROL COURT,
NADAPURAM DATED 31.7.2010
REVISION PETITIONER(S):APPELLANT/RESPONDENT

ISWARAMPURATH BALAN
S/O.KANARAN, AGED 50 YEARS, KUTTI PURAM AMSOM DESOM, P.O KALLACHI
PIN 673 506, VATAKARA TALUK, KOZHIKODE DISTRICT.

BY ADV. SRI.U.P.BALAKRISHNAN

RESPONDENT(S):RESPONDENTS/PETITIONERS

1. CHETTIAM VEETIL KAMALA
W/O.RAGHAVAN, KATAMERI AMSOM DESOM
P.O KATAMERI, PIN 673 542, VATAKARA TALUK
KOZHIKODE DISTRICT.

2. KUNNATHUKANDI RAGHI
W/O.DILEEP, AGED 32 YEARS, KUTTI PURAM AMSOM DESOM, P.O KALLACHI
PIN 673 506, VATAKARA TALUK, KOZHIKODE DISTRICT.

THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON
17-12-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**P.N. Ravindran &
Babu Mathew P.Joseph, JJ.**

R.C.R.No.329 of 2015

Dated this the 17th December, 2015

O R D E R

P.N. Ravindran, J.

The petitioner is the tenant in R.C.P.No.16 of 2009 on the file of the Rent Control Court, Nadapuram, a petition filed by the respondents/landlords for an order of eviction under section 11(8) of the Kerala Buildings (Lease & Rent Control) Act, 1965, hereinafter referred to as 'the Act' for short. The landlords had in the petition for eviction averred that they bonafide need the petition schedule shop room to expand their existing business.

2. Upon receipt of notice, the tenant had entered appearance and filed a counter statement resisting the prayer for eviction. After trial, the rent control court passed an order of eviction on 31.7.2010. Challenging that order the tenant filed R.C.A.No.106 of 2010 on the file of the Rent Control Appellate Authority, Vatakara. By judgment delivered on 22.8.2015 the rent control appellate authority concurred with the rent control court and dismissed the appeal. The tenant has, aggrieved thereby, filed this revision petition .

2. When this revision petition came up for admission hearing today, Shri U.P.Balakrishnan, learned counsel appearing for the petitioner submitted that the petitioner is only desirous of getting six

months' time to surrender vacant possession of the petition schedule premises to the landlords.

After hearing learned counsel for the petitioner and after going through the pleadings and the materials on record and having regard to the fact that the petitioner who is a barber has been running a hair cutting saloon in the petition schedule room for the past more than 30 years, we deem it appropriate to grant him six months time from today to surrender vacant possession of the petition schedule building. We accordingly dispose of the revision petition by granting the petitioner six months' time from today to surrender vacant possession of the petition schedule building to the landlords subject to the following conditions:

- (a) The petitioner shall, within one month 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 landlords on 17.6.2016;
- (b) The petitioner shall also undertake that he will not induct strangers into possession of the petition schedule building or commit acts of waste therein;
- (c) He shall also undertake to deposit the rent, if any, in arrears within one month from today and to continue to pay rent till the

date of surrender;

(d) Needless to say, in the event of failure on the part of the petitioner to file an affidavit within the time limit stipulated above, it will be open to the landlords to forthwith execute the order of eviction.

(P.N. Ravindran, Judge.)

(Babu Mathew P.Joseph, Judge.)

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