

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. 340 of 2015 ()

AGAINST THE ORDER/JUDGMENT IN RCA 157/2012 of RENT CONTRL APPELLATE
AUTHORITY, THALASSERY DATED 30-09-2015

AGAINST THE ORDER/JUDGMENT IN RCP 32/2011 of RENT CONTROL COURT,
PAYYANNUR DATED 31-07-2012
REVISION PETITIONER(S):APPELLANT/RESPONDENT:

PARAKANDI POOCHARE VALAPPIL NAZARUDHEEN, AGED 55 YEARS,
S/O. MUHAMMED, NAS TRADERS, PMC-VI/289, 208,
OPP. MALABAR GOLD, PERUMBA, PAYYANNUR, KANNUR DT.

BY ADVS.SRI.K.R.AVINASH (KUNNATH)
SRI.ABDUL RAOOF PALLIPATH
SRI.E.MOHAMMED SHAFI
SRI.PRAJIT RATNAKARAN

RESPONDENT(S):RESPONDENT/PETITIONER:

S.K.P.ABDUL SALAM, AGED 70 YEARS,
S/O LATE N.MUHAMMED KUNHI HAJI, SITHARA BYPASS ROAD,
P.O. PAYYANNUR, TALIPARAMBA, KANNUR-670141.

R1 BY ADV. SRI.M..SASINDRAN (CAVEATOR)

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.340 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.32 of 2011 on the file of the Rent Control Court, Payyannur, a petition filed by the respondent/landlord for an order of eviction under sections 11(2)(b) and 11(3) of the Kerala Buildings (Lease & Rent Control) Act, 1965, hereinafter referred to as 'the Act' for short. R.C.P.No.32 of 2011 was tried and disposed of along with R.C.P.Nos.30 and 33 of 2011 by a common order passed on 31.7.2012. By that order, the rent control court granted an order of eviction under section 11(3) of the Act. The prayer for eviction under section 11(2)(b) of the Act was declined. Aggrieved thereby, the tenant in R.C.P.No.32 of 2011 filed R.C.A.No.157 of 2012 and the other tenants filed R.C.A.Nos.158 and 161 of 2012 before the Rent Control Appellate Authority, Thalassery. By a common judgment delivered on 30.9.2015 the rent control appellate authority dismissed all the appeals. The tenant in R.C.P. No.32 of 2011 has, aggrieved thereby, filed this revision petition.

2. When this revision petition came up for admission hearing today, learned counsel appearing for the petitioner submitted that the

petitioner is running a business in cement in the petition schedule building and that having regard to the nature of the business and the outstandings which he has to collect, the petitioner may be granted time till 30.4.2016 to surrender vacant possession of the petition schedule premises. Though learned counsel appearing for the landlord opposed the said request, having regard to the fact that the petitioner is admittedly running a business in cement in the petition schedule building ever since the year 2001, we deem it appropriate to grant him time till 30.4.2015 to surrender vacant possession of the petition schedule building to the landlord. We accordingly dispose of the revision petition by granting the tenant time till 30.4.2016 to surrender vacant possession of the petition schedule building to the landlord 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 landlord on 30.4.2016;
- (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 deposit the rent, if any, in arrears within one month from today and 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 landlord to forthwith execute the order of eviction.

(P.N. Ravindran, Judge.)

(Babu Mathew P.Joseph, Judge.)

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