

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE ANTONY DOMINIC  
&  
THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

**WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936**

**OP (RC).No. 166 of 2014 (O)**  
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**AGAINST THE ORDER/JUDGMENT IN I.A.NOS.1075/2014 & 2130/2014 IN RCA 11/2014 of  
RENT CONTROL APPELLATE AUTHORITY/1ST ADDITIONAL DISTRICT JUDGE-,  
PALAKKAD**

**AGAINST THE ORDER/JUDGMENT IN RCP 7/2010 of RENT CONTROL COURT/  
PRL.MUNSIFF COURT, PALAKKAD DATED 31-03-2014**

**PETITIONER(S)/PETITIONER/APPELLANT/RESPONDENT:**  
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**ABDUL GAFOOR AGED 56 YEARS  
S/O.ABDUL RAHIMAN, ROSY GARMENTS, GB ROAD  
PALAKKAD.**

**BY ADVS.SRI.SAJAN VARGHEESE K.  
SRI.LIJU. M.P**

**RESPONDENT(S)/RESPONDENT/RESPONDENT/PETITIONER:**  
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**INDIRA  
W/O.LATE VASUDEVAN, PRIYA NIVAS, SIVAJI ROAD  
MOOTHANTHARA, KOPPAM AMSOM, VADAKKANTHARA POST  
PALAKKAD.**

**BY ADV. SRI.R.HARIKRISHNAN  
BY ADV. SRI.E.RAMACHANDRAN  
BY ADV. SMT.A.SINDHULAKSHMY  
BY ADV. SRI.R.UMASANKAR**

**THIS OP (RENT CONTROL) HAVING BEEN FINALLY HEARD ON 14-01-2015,  
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP (RC).No. 166 of 2014 (O)

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**APPENDIX**

**PETITIONER(S)' EXHIBITS**

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EXT.P1: TRUE COPY OF THE ORDER DATED 31/3/2014 PASSED IN R.C.P NO.7/2010 ON THE FILE OF RENT CONTROL COURT (PRINCIPAL MUNSIFF), PALAKKAD

EXT.P2: TRUE COPY OF THE APPEAL MEMORANDUM IN R.C.A NO.11/2014 ON THE FILE OF RENT CONTROL APPELLATE AUTHORITY (DISTRICT JUDGE), PALAKKAD.

EXT.P3: TRUE COPY OF THE APPEAL MEMORANDUM IN R.C.A NO.17/2014 ON THE FILE OF RENT CONTROL APPELLATE AUTHORITY (DISTRICT JUDGE), PALAKKAD.

EXT.P4: TRUE COPY OF THE ORDER DATED 8/8/2014 PASSED IN IA NO.1075/2014 FILED IN EXT.P2 APPEAL.

EXT.P5: TRUE COPY OF THE RECEIPT AND THE MEMO DATED 21/10/2014 SUBMITTED BY THE COUNSEL FOR THE APPELLANT IN THE APPELLATE COURT.

EXT.P6: TRUE COPY OF E.P NO.154/2014 ON THE FILE OF MUNSIFF'S COURT, PALAKKAD.

EXT.P7: TRUE COPY OF IA NO.2098/2014 FILED IN EXT.P2 APPEAL.

EXT.P8: TRUE COPY OF IA NO.2130/2014 FILED IN EXT.P2 APPEAL.

EXT.P9: TRUE COPY OF TOP NO.323/2014 FILED IN THE DISTRICT COURT, PALAKKAD.

**RESPONDENT(S)' EXHIBITS**

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NIL.

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///True copy///

P.S. to Judge

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

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O.P.(R.C).No.166 of 2014

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Dated this the 14<sup>th</sup> day of January, 2015

J U D G M E N T

ANTONY DOMINIC, J.:

The respondent landlady filed R.C.P.No.7/2010 on the file of the Rent Control Court, Palakkad, seeking eviction of the petitioner herein under Secs.11(3) and 11(2)(b) of the Kerala Buildings (Lease and Rent Control) Act. The Rent Control Court ordered eviction. The tenant filed R.C.A.No.11/2014 and the landlady filed R.C.A.No.17/2014. These appeals are pending consideration before the I<sup>st</sup> Additional District Court and the II<sup>nd</sup> Additional District Court, Palakkad, respectively. In I.A.No.1075/2014 filed by the tenant seeking stay of the order passed by the Rent Control Court, the appellate authority (I<sup>st</sup> Additional District Judge, Palakkad), passed Ext.P4 order finding that the tenant has to pay the admitted arrears of rent of Rs. 13,500/- to the landlady. On that basis, the appellate authority ordered stay of execution of the order of the Rent Control Court on condition of payment of Rs. 13,500/- within two weeks. The order was not complied with within the time allowed by the appellate authority and therefore the execution is being proceeded

with. In the meantime, the tenant deposited Rs.10,000/- and what remains to be paid is Rs.3,500/-. The tenant also filed I.A.No. 2098/2014 in R.C.A.No.11/2014 seeking a joint hearing of both the appeals. That I.A. is also pending consideration of the appellate authority. In the meanwhile, the tenant filed this original petition seeking an order allowing him to remit the balance amount due under Ext.P4 order mentioned above and for consideration of I.A.No. 2098/2014 filed in R.C.A.No.11/2014.

2. We heard the learned counsel for the petitioner and also the learned counsel for the respondent.

3. Admittedly, R.C.A.Nos.11/2014 and 17/2014 filed by the tenant and the landlady are pending consideration of the 1<sup>st</sup> Additional District Court and the II<sup>nd</sup> Additional District Court, Palakkad. It is seeking a joint hearing of these two appeals, that I.A.No. 2098/2013 has been filed by the tenant. Taking note of the pendency of that I.A. and considering the fact that both the appeals arose from out of the same order, we direct that orders shall be passed as expeditiously as possible, on I.A.No. 2098/2014 in R.C.A.No. 11/2014.

4. Insofar as the compliance with Ext.P4 order is concerned,

as we have already stated, out of Rs.13,500/- that is due thereunder, Rs. 10,000/- has already been remitted. The tenant is also willing to pay the balance amount. Therefore, we direct that the tenant shall pay the balance amount due under Ext.P4 within ten days from today.

5. Subject to the payment of the balance amount due under Ext.P4, we also direct that execution of the order in R.C.P.No. 7/2010 on the file of the Rent Control Court, Palakkad will stand stayed till orders are passed on R.C.A.Nos.11/2014 and 17/2014 mentioned above.

The Revision is disposed of as above.

Sd/-  
ANTONY DOMINIC, JUDGE

sd/+  
ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge