

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

OP (RC).No. 170 of 2014 (O)

**AGAINST THE ORDER/JUDGMENT IN OP(TP) 449/2014 of DISTRICT
COURT,TRIVANDRUM DATED 19-11-2014 IN OP(RC) 18/2012 of MUNSIF
COURT,ATTINGAL**

PETITIONER(S):

**M. SALIM AGED 51 YEARS
S/O. MEERANASAN, POOMANGALATHU VEEDU, PARAYATHUKONAM
KEEZHUVILAM P.O., CHIRAYINKEEZHU TALUK
THIRUVANANTHAPURAM.**

BY ADV. SRI.J.JAYAKUMAR

RESPONDENT(S):

**M. ARSHADA, AGED 48 YEARS
W/O. M.ABDUL RASHEED, TC 36/102(1), AL FALAH
KERA-43, EANCHAKKAL, VALLAKKADAVU P.O.
THIRUVANANTHAPURAM-695 008.**

R1 BY ADV.SRI.P.K.IBRAHIM

**THIS OP (RENT CONTROL) HAVING COME UP FOR ADMISSION ON 07-01-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP (RC).No. 170 of 2014 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1 : COPY OF THE OP(RC)NO.18/2012 FILED BY THE RESPONDENT BEFORE THE
RENT CONTROL COURT, ATTINGAL.**

**P2 : COPY OF THE OBJECTION FILED BY THE PETITIONER BEFORE THE RENT
CONTROL COURT, ATTINGAL.**

**P3 : COPY OF THE NOTICE DTD.3.9.2014 ISSUED BY THE RENT CONTROL COURT,
ATTINGAL.**

**P4 : COPY OF THE COMMON ORDER DTD.19.11.2014 IN OP(TP)NO.449/2014 IN OP(RC)
NO.18/2012 OF DISTRICT COURT, THIRUVANANTHAPURAM.**

RESPONDENT(S)' EXHIBITS NIL

//True Copy//

PA TO JUDGE

Rp

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.
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OP (R.C) No. 170 of 2014
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Dated this the 7th day of January, 2015

J U D G M E N T

Antony Dominic, J.

Two rent control petitions were filed by the respondent herein before the Rent Control Court, Attingal. Petitioner herein is the respondent/tenant in RCP No.18/2012. It appears that seeking transfer of these two rent control petitions, the respondent landlady moved the District Court, Thiruvananthapuram by filing OP(TP) No.449/14. By Ext.P4 common order, the District Court disposed of the transfer petitions declining the prayer of the respondent for transfer of the cases, but, however, issued directions for the expeditious disposal of the rent control petitions. The relevant directions are contained in para 13 of the order, which reads thus;

“13. In view of my findings above, the O.P.(TP) is not liable to be allowed. However, it is disposed of with a specific direction that the court below shall dispose of all pending IA's immediately and complete all pre-trial proceedings within one month from today and thereafter list the matter for trial. The trial shall be completed, within a period of two months thereafter. It is further directed that both sides shall co-operate with the

trial and any wilful attempt to protract or delay the proceedings would be seriously viewed. In such cases either party will be free to move this court again, seeking appropriate orders, notwithstanding the commencement of trial. The order of this court will be communicated forthwith to the court below. Petition is accordingly disposed of."

It is challenging the order passed by the District Court in OP(TP) No.449/14, this OP is filed.

2. We heard the learned counsel for the petitioner and the learned counsel for the respondent, who also entered appearance before us.

3. It is informed by the learned counsel for the respondent that the recording of the evidence has already commenced and the husband of the respondent was examined yesterday. The complaint now raised by the learned counsel for the petitioner before us is that the IAs are pending and that pre-trial steps could not be completed on account of the time limit specified by the District Court. However, we are unable to see any substance in this submission. Reading of para 13 of the impugned order itself shows that the District Court has directed immediate

passing of orders on the pending IAs and has also granted one month time to complete pre-trial steps. In such circumstances, we cannot see how the order passed by the District Court or the time specified by the District Court could have caused any prejudice to the petitioner herein justifying his prayer for interference with Ext.P4 order.

O.P.(R.C.) is dismissed.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**ALEXANDER THOMAS
JUDGE**

Rp

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PA to Judge