

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

RCCRev..No. 242 of 2014 ()

**AGAINST THE ORDER/JUDGMENT IN RCA 160/2013 of ADDL.D.C. &
ADDL.MACT,THALASSERY DATED 30-05-2014**

**AGAINST THE ORDER/JUDGMENT IN RCP 41/2011 of MUNSIFF COURT, THALASSERY
DATED 03-08-2013**

REVISION PETITIONER(S)/PETITIONER & RESPONDENT/PETITIONER:

**CHANDANAMKANDY KASIM AGED 53 YEARS
S/O. ABU, M.. RIVERSIDE ENCLAVE, THIRUVANGAD AMSOM
KAVUMBHHAGAM DESOM, THALASSERY TALUK, KANNUR DISTRICT.**

**BY ADVS.SRI.C.P.PEETHAMBARAN
SMT.MINI.V.A.
SRI.V.VINCENT DIDACOSE**

RESPONDENT/RESPONDENT & APPELLANT/RESPONDENT:

**KAYANADATH UMMER FAROOK,
S/O. MAMMOOTTY, KAYANADATH HOUSE, JUBILEE ROAD
THALASSERY, KANNUR DISTRICT-670701.**

**BY ADV. SRI.U.P.BALAKRISHNAN
BY ADV. SRI.K.R.AVINASH (KUNNATH)**

**THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 14-
01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.

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R.C.Rev.No. 242 of 2014
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Dated this the 14th day of January, 2015

O R D E R

ANTONY DOMINIC, J:

This Revision Petition is filed by the landlord, who filed R.C.P.No. 41 /2011 on the file of the Rent Control Court, Thalassery. In that petition, he sought eviction under Secs.11(2)(b), 11(3) and 11 (4)(i) of the Kerala Buildings (Lease and Rent Control) Act. The Rent Control Court allowed the petition, but, however, disallowed eviction under Sec. 11(3) the Act. The tenant challenged the order by filing R.C.A.No.160/2013 before the Rent Control Appellate Authority, Thalassery. In that R.C.A. the landlord filed I.A.No.205/2014, seeking an order under Sec.12 of the Act. By the order dated 30.5.2014, the appellate authority dismissed the I.A. stating that there are no admitted arrears payable. This order is under challenge before us.

2. We heard the learned counsel for the petitioner–landlord and the learned counsel appearing for the respondent–tenant and have considered the submissions made.

3. While the landlord claimed that the rent of Rs.7,200/month is in arrears since October, 2009 and that therefore a total amount of Rs. 3,74,400/- was due in arrears, the tenant resisted the said plea of the landlord by contending that, with the permission of the landlord, he had expended an amount of Rs.3,86,000/- for the interior decoration work of the building in question. According to the tenant, the agreement between him and the landlord was that he could get this amount recovered from out of the rent that was payable. It is this contention which was urged by the tenant both in the R.C.P. and in R.C.A. filed by him. Though this contention was not accepted by the Rent Control Court, it was taking note of these factual contentions raised in the appeal filed by the tenant that the appellate authority rejected I.A.No. 205/2014 holding that there was no admitted arrears of rent.

4. Considering the nature of the contentions raised, we are unable to accept the case of the landlord that there are admitted arrears due, entitling him for an order under Sec.12 of the Act. Therefore, the order passed the Rent Control Appellate Authority cannot be said to be illegal.

5. Be that as it may, the appeal filed by the tenant is

pending before the Rent Control Appellate Authority since 2013. Considering this fact, and the request of the landlord for early disposal of the appeal, we direct the Rent Control Appellate Authority to pass final orders in the appeal, as expeditiously as possible, at any rate, within four months of receipt of a copy of this order. The petitioner will produce a copy this order before the Rent Control Appellate Authority for information and compliance.

The Revision is disposed of as above.

Sd/-
ANTONY DOMINIC, JUDGE

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Sd/-
ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge