

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN
&
THE HONOURABLE MRS. JUSTICE MARY JOSEPH

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

RP.No. 850 of 2015 () IN RCRcv..300/2013

AGAINST THE ORDER IN RCRcv. 300/2013 of THIS COURT

REVIEW PETITIONER/PETITIONER:

S. SAI BABA PRABHU AGED 62 YEARS
S/O. LATE SADANANDA PRABHU
RESIDING AT VIMALA HOUSE, T.D.ROAD
ERNAKULAM, KOCHI - 31
MERCHANT, 40/4280, JEWS STREET, ERNAKULAM

BY ADV. SRI.P.A.AZIZ

RESPONDENT/RESPONDENT:

V.M. MOHAMMED AFSAL
VALIAVEETIL HOUSE
KOVILVATTOM DESOM, ERNAKULAM VILLAGE
KANAYANNUR TALUK, ERNAKULAM DISTRICT - 682 031.

R BY SRI.VARGHESE C.KURIAKOSE

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
30-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

JJ

K. SURENDRA MOHAN & MARY JOSEPH , JJ.

R.P.NO: 850 OF 2015 IN
R.C.R NO. 300 OF 2013

Dated this the 30th September, 2015.

O R D E R

Surendra Mohan, J.

The tenant has filed this petition seeking review of our order dated 26.6.2015 dismissing RCR 300/2013 filed by the revision petitioner/tenant.

2. The case of the review petitioner is that, the shop room for the expansion of which the landlord had sought eviction of the tenant, is now owned by a person by name S.Sai Baba Prabhu who is conducting a business therein by name DD Electricals. Annexures 1 and 2 documents are produced in support of the above petition. In view of the above, according to the learned counsel the judgment in the Rent Control Revision requires review and the matter has to be

remanded for consideration of the additional evidence on which reliance is placed.

3. We have heard Shri. P.A.Aziz who appears for the petitioner as well as Shri.Varghese C.Kuriakose who appears for the respondent. A perusal of Annexures 1 and 2 documents show that the same is the copy of a sales tax registration that appears to have been granted to one D.D.Electricals, Abdul Kader Building, 40/4273, Jews Street, College Post Office, Ernakulam. Annexure 1 also shows that, the registration has been granted on 4.9.2015. We had pronounced our order on 26.6.2015. Therefore, Anneure 1 is a document that has come into existence after the date of our order. Annexure 2 is a photo copy of a photograph which shows the front portion of Messrs.D.D.Electricals. Though the contention of the learned counsel for the petitioner is that in view of the additional documents produced, a review of our judgment is required, we are not satisfied that the petitioner has made out any ground for

review of our judgment. Annexure 1 shows the building number of Messrs. D.D.Electricals as 40/4273. The very same number is seen in Annexure 2 photograph also. The building number of the tenanted shop room is 40/4280. Therefore, there is nothing available to show even prima facie that Annexures 1 and 2 are documents relating to the tenanted premises. We do not find any error apparent on the face of the record or other sufficient reasons justifying a review of our judgment. This review petition therefore fails and is accordingly dismissed.

Sd/-
K. SURENDRA MOHAN
Judge

Sd/-
MARY JOSEPH
Judge

jj

/True copy/

