

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

RP.No. 884 of 2015 IN RSA.851/2007

AGAINST THE JUDGMENT IN RSA 851/2007 of HIGH COURT OF KERALA.

REVIEW PETITIONER(S)/1ST APPELLANT:

M.P. SUNILKUMAR, S/O. M.P. ACHUTHAN,
PARAMBATH HOUSE, KATCHERI AMSOM DESOM,
KOZHIKODE TALUK.

BY ADVS.SRI.VINOD RAVINDRANATH
SRI.SAJU.S.A
SRI.K.C.KIRAN

RESPONDENTS/RESPONDENTS:

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1. K. SHOBHA, D/O. NARAYANAN,
KOTTUKULAM VAYAL HOUSE,
KATCHERI AMSOM DESOM,
KOZHIKODE TALUK, PIN 673 001.
 2. K. BABU, S/O. NARAYANAN,
KOTTUKULAM VAYAL HOUSE,
KATCHERI AMSOM DESOM,
KOZHIKODE TALUK, PIN 673 001.
 3. K. BABY, D/O. NARAYANAN,
KOTTUKULAM VAYAL HOUSE,
KATCHERI AMSOM DESOM,
KOZHIKODE TALUK, PIN 673 001.
 4. K. REENA, D/O. NARAYANAN,
KOTTUKULAM VAYAL HOUSE,
KATCHERI AMSOM DESOM,
KOZHIKODE TALUK, PIN 673 001.

5. K. SUDHEER, S/O. NARAYANAN,
KOTTUKULAM VAYAL HOUSE,
KATCHERI AMSOM DESOM,
KOZHIKODE TALUK, PIN 673 001.

BY SRI.C.P.MOHAMMED NIAS

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON
13-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P. BHAVADASAN, J.

R.P. No. 884 of 2015 in
R.S.A. No. 851 of 2007

Dated this the 13th day of October, 2015.

ORDER

In this Review Petition, the limited prayer made by the learned counsel for the review petitioner is that even assuming that the petitioner is a licensee and he is bound to vacate the premises going by the provisions of the Easements Act, he is entitled to a reasonable period to vacate the premises and this Court had omitted to specify the period available to the petitioner to vacate the premises.

2. It is pointed out that the petitioner is conducting stationary business in the building along with his brother and that it is their only means of livelihood. It is therefore prayed that a reasonable time may be granted to find an alternate accommodation. The petitioner prayed for six months' time.

3. Learned counsel appearing for the respondents pointed out that the respondents have no objection in granting reasonable time to the petitioner to vacate the premises.

4. After having heard learned counsel on both sides, and after having given anxious consideration to the relief sought for in the petition, it is felt that the relief sought for is just and reasonable and a reasonable time can be given to the petitioner to vacate the premises.

5. Taking note of the said fact, the petitioner is given four months' time from today to vacate the premises and hand over vacant possession to the respondents. The petitioner will file an affidavit before the trial court to the effect that he will unconditionally hand over possession of the vacant building to the respondents on or before the expiry of four months from today.

The Review Petition is disposed of as above.

P. BHAVADASAN,
JUDGE

sb.