

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

THURSDAY, THE 4TH DAY OF JUNE 2015/14TH JYAISHTA, 1937

RSA.No. 1069 of 2013 ()

AGAINST THE JUDGMENT AND DECREE IN AS NO. 105/2011 of II ADDITIONAL SUB
COURT, ERNAKULAM DATED 30-03-2013

AGAINST THE JUDGMENT AND DECREE IN OS NO. 88/2009 of I ADDITIONAL MUNSIF
COURT, ERNAKULAM DATED 20-08-2011

APPELLANT(S)/APPELLANT/DEFENDANT:

SECRETARY, GREATER COCHIN DEVELOPMENT AUTHORITY
COCHIN-682020.

BY ADV. SRI.S.B.PREMACHANDRA PRABHU, STANDING COUNSEL FOR GCDA

RESPONDENT(S)/RESPONDENTS/PLAINTIFFS:

1. SRI.PRAMOD
S/O.P.K.PRASANNAN, RESIDING AT PANIKAM PARAMBIL
PRAMOD VIHAR, AZAD ROAD, KALOOR
P.O.-682017.
2. SRI.PRADEESH
S/O.P.K.PRASANNAN, RESIDING AT PANIKAM PARAMBIL
PRAMOD VIHAR, AZAD ROAD, KALOOR P.O.-682017.

R1&R2 BY ADV. SRI.P.SATHEESAN

THIS REGULAR SECOND APPEAL HAVING BEEN FINALLY HEARD ON
04-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.HARIPRASAD, J.

R.S.A. No.1069 of 2013

Dated this the 4th day of June, 2015

JUDGMENT

Appellant, the Secretary, Greater Cochin Development Authority (GCDA, in short), challenges the concurrent findings of the courts below that the plaintiffs (respondents), who are lessees under the GCDA, are entitled for protection as per the terms and conditions of Ext.A1 lease deed to continue in occupation for ten years from the date of lease and also that the appellant shall not evict the respondents from the tenanted premises until the expiration of the period prescribed in Ext.A1.

2. Heard the learned counsel on both sides.

3. Ext.A1 is the lease deed. Case of the plaintiffs/respondents in the plaint is that the defendant/appellant herein attempted to forcefully evict them from the tenanted premises. Courts below considered the matter at length and granted reliefs to the plaintiffs allowing them to continue in the premises until the expiry of the period stipulated in Ext.A1. Learned counsel for the appellant submitted that the appellant is not intending to take any step at present to evict the respondents from the premises before the expiration of the period stipulated in Ext.A1 as the period is going to expire very shortly. It is also submitted that in case the

plaintiffs/respondents show reluctance to vacate the premises after expiry of the period prescribed in the lease deed, the appellant has every right to invoke the provisions in Kerala Public Buildings (Eviction of unauthorised occupants) Act, 1968. However, I do not wish to make any comment in that regard as it is a matter to be decided at a later point of time. Considering the entire facts and circumstances, I am of the view that the appeal can be disposed of by confirming the impugned judgment and decree and finding that the respondents/plaintiffs can continue till the expiration of the period prescribed in Ext.A1.

Appeal disposed of accordingly.

A. HARIPRASAD, JUDGE.

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