

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 30TH DAY OF JULY 2015/8TH SRAVANA, 1937

Tr.P(C).No. 325 of 2015 ()

IN RCP 37/2013 of MUNSIF COURT, PAYYANNUR

PETITIONER(S) :

G.LOKANATHAN,
AGED 55 YEARS,
S/O.G.GANESAN KAMMATH,
RESIDING AT MAVICHERY, PAYYANUR AMSOM DESOM,
TALIPARAMBA TALUK.

BY ADV. SRI.M.V.AMARESAN.

RESPONDENT(S) :

BAPPUJI MEMMORIAL TRUST,
REPRESENTED BY ITS PRESIDENT,
PAYYANUR AMSOM DESOM,
KOKKANISSERY P.O., PAYYANNUR,
KANNUR,
PIN-670 307.

BY ADV. SRI.MAHESH V RAMAKRISHNAN.

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30-07-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' ANNEXURES :

ANNEXURE P1 : TRUE COPY OF PETITION IN RCP 37/2013 FILED BEFORE THE RENT
CONTROLL (MUNSIFF) COURT, PAYYANNUR.

ANNEXURE P2 : TRUE COPY OF COUNTER STATEMENT FILED BY THE PETITIONER IN RCP
37/2013.

ANNEXURE P3 : TRUE COPY OF PETITION FILED BY THE RESPONDENT IN RCP 38/2013
BEFORE THE RENT CONTROLL (MUNSIFF) COURT.

ANNEXURE P4 : TRUE COPY OF COUNTER STATEMENT IS FILED BY THE PETITIONER IN
RCP 38/2013.

ANNEXURE P5 : TRUE COPY OF DEPOSITION IN RCP 37/13, 38/13 OF THE RESPONDENT
IN THE ABOVE CASE DATED 31/03/2015.

RESPONDENT(S) ' ANNEXURES :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

B. KEMAL PASHA, J.

.....
Tr.P.(C) No.325 of 2015
.....

Dated this the 30th day of July, 2015

ORDER

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Six RCPs were filed in respect of various rooms in a large building. The petitioner is the counter petitioner in RCP No.37/2013 and RCP No.38/2013. All the other cases were disposed of by directing the tenants to put the landlord in possession of the building on the ground under Section 11(3) of the Kerala Buildings (Lease and Rent Control) Act, 1965. When RCP Nos.37/2013 and 38/2013 came up, the petitioner remained absent and consequently, he was declared *ex-parte* and an *ex-parte* order was passed. The petitioner filed an application under Order IX Rule 13 CPC and got the *ex-parte* order set aside. Presently, the request forwarded by the petitioner is that since the other cases were disposed of by the said court, these RCPs are to be transferred to some other court.

2. Heard learned counsel for the petitioner and learned counsel for the respondent.

3. There is no valid ground for a transfer at all. It is not at all just and convenient in the interest of justice to transfer the said two RCPs from the court below. Matters being so, the Tr.P.(C) is devoid of merits and it is only to be dismissed, and I do so.

In the result, this Tr.P.(C) is dismissed.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/30/07

// True Copy //

PA to Judge