

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

Tr.P(C).No. 405 of 2015 ()

**TRANSFER OF RCA 41/2003 of THE RENT CONTROL APPELLATE
AUTHORITY, THRISSUR**

PETITIONERS/APPELLANTS IN RCA:

- 1. JOY PADIKKALA, AGED 65 YEARS,
S/O.LATE ANTHAPPAN, KIZHAKKEKOTTA, THRISSUR VILLAGE,
THRISSUR VILLAGE, THRISSUR DISTRICT.**
- 2. GEORGE PADIKKALA, AGED 63 YEARS,
S/O.LATE ANTHAPPAN, KIZHAKKEKOTTA, THRISSUR VILLAGE,
THRISSUR VILLAGE, THRISSUR DISTRICT**
- 3. DR. YACOOB ALIAS JACOB PADIKKALA, AGED 61 YEARS,
S/O.LATE ANTHAPPAN, KIZHAKKEKOTTA, THRISSUR VILLAGE,
PADIKKALA HOUSE, THRISSUR VILLAGE, THRISSUR DISTRICT.**
- 4. JOHNY PADIKKALA, AGED 59 YEARS,
S/O.LATE ANTHAPPAN, KIZHAKKEKOTTA, THRISSUR VILLAGE,
THRISSUR VILLAGE, THRISSUR DISTRICT**

**BY ADVS.SMT.SUMATHY DANDAPANI (SR.)
SRI.MILLU DANDAPANI**

RESPONDENTS/RESPONDENTS IN R.C.A:

- 1. C.N.NANBOODIRI (DIED).**
- 2. C. N. NAMBOOTHIRI , AGED 77 YEARS,
S/O.LATE C. N. NAMBOODIRI, DHANWANTHIRI VAIDYASALA,
THODUPUZHA 685584, IDUKKI DISTRICT.**
- 3. ANOOP NARAYANAN, S/O.LATE C. N. NAMBOODIRI, , AGED 47 YEARS
DHANWANTHIRI VAIDYASALA, THODUPUZHA 685584
IDUKKI DISTRICT.**
- 4. SMT.SARASWATHY ANTHARJANAM, AGED 90 YEARS,
W/O.LATE C. N. NAMBOODIRI, DHANWANTHIRI VAIDYASALA,
THODUPUZHA 685584, IDUKKI DISTRICT.**
- 5. SMT BINDHU C. N., AGED 57 YEARS,
D/O.LATE C. N. NAMBOODIRI, DHANWANTHIRI VAIDYASALA,
THODUPUZHA 685584, IDUKKI DISTRICT.**

**THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
23-07-2015, ALONG WITH TR.P.C.No.406 of 2015 AND CONNECTED CASES, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:**

Tr.P(C).No. 405 of 2015 ()

APPENDIX

PETITIONERS' ANNEXURES :

A1 COPY OF COMMON ORDER DATED 11.04.2003 RENDERED BY THE RENT CONTROL COURT, THRISSUR, IN R.C.P.No.68 OF 1994 AND CONNECTED CASES.

A2 COPY OF APPEL MEMORANDUM, R.C.A.No.41 OF 2003, DATED 10.06.2003, PREFERRED BY THE PETITIONERS BEFORE THE RENT CONTROL APPELLATE AUTHORITY, THRISSUR.

RESPONDENTS' ANNEXURES:

NIL

// True Copy //

P.A. To Judge

DSV/28/7/15

B.KEMAL PASHA, J.

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Tr.P.(C)Nos.405, 406, 407 & 408 of 2015

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Dated this the 23rd day of July, 2015

ORDER

These Transfer Petitions are filed seeking the transfer of RCA No.41 of 2003, RCA No.47 of 2003, RCA No.40 of 2003 and RCA No.38 of 2003 respectively, which are presently pending before the 1st Additional Rent Control Appellate Authority, Thrissur, to any other court having jurisdiction. It seems that the ground on which the transfers have been sought for is that the impugned order in the said RCAs were passed by the learned 1st Additional District Judge, Thrissur, who is the 1st Additional Rent Control Appellate Authority, Thrissur, while he was functioning as the Rent Control Court. Therefore, he cannot entertain the

RCAs.

2. On hearing the learned Senior Counsel for the petitioners, it seems that there is genuine grievance on the part of the petitioners in not getting the RCAs of 2003 disposed of. It has been pointed out that five Presiding Officers of the said court had occasion to consider those RCAs and even then the same were not disposed of.

In the result, these Transfer Petitions (Civil) are allowed, and RCA No.41 of 2003, RCA No.47 of 2003, RCA No.40 of 2003 and RCA No.38 of 2003 are transferred from the Ist Additional Rent Control Appellate Authority, Thrissur to the IInd Additional District Court, Thrissur, for disposal. The learned IInd Additional District Judge, Thrissur shall expedite the disposal of these RCAs and shall dispose of it within a period of three months from the date of receipt of a copy of this judgment.

Sd/-

B.KEMAL PASHA
JUDGE