

Gracy Vs. Jacky

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Court : Kerala

Decided On : Sep-06-2013

Judge : Honourable Mr.Justice T.R.Ramachandran Nair

Appellant : Gracy

Respondent : Jacky

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR & THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI FRIDAY, THE 6TH DAY OF SEPTEMBER 2013 15TH BHADRA, 1935 OP (RC).No. 3102 of 2013 (O) ----- RCP Nos.91/2011 and 103/2011 of RENT CONTROL COURT, THRISSUR PETITIONER(S): ----- 1. GRACY W/O.A.F.THOMAS, AKKARAPPATTY HOUSE, NADATHARA DESOM VILLAGE, THRISSUR TALUK.

2. ANTONY @ TINY S/O..A.F.THOMAS, AKKARAPPATTY HOUSE, KIZHAKKUMPATTUKARA DESOM, CHEMBUKAVU VILLAGE, THRISSUR TALUK.

3. RAJU S/O..A.F.THOMAS, AKKARAPPATTY HOUSE, KIZHAKKUMPATTUKARA DESOM, CHEMBUKAVU VILLAGE, THRISSUR TALUK.

4. PEEYUS S/O..A.F.THOMAS, AKKARAPPATTY HOUSE, KIZHAKKUMPATTUKARA DESOM, CHEMBUKAVU VILLAGE, THRISSUR TALUK. BY ADVS.SRI.K.B.GANGESH SMT.SMITHA CHATHANARAMBATH RESPONDENT(S): ----- JACKY S/O.THANKA, THODUNGARA PUTHENVEETIL HOUSE MADAKKATHARA VILLAGE, THRISSUR TALUK-680 003. R1 BY ADV. SMT.R.PADMAKUMARI THIS OP (RENT CONTROL) HAVING COME UP FOR ADMISSION ON0609-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: OP (RC).No. 3102 of 2013 (O) ----- APPENDIX PETITIONER(S)' EXHIBITS: ----- EXHIBIT P1.TRUE COPY OF THE RENT CONTROL PETITION912011 FILED BY THE RESPONDENT BEFORE THE RENT CONTROL COURT, THRISSUR. EXHIBIT P2.TRUE COPY OF THE RENT CONTROL PETITION1032011 FILED BY THE RESPONDENT BEFORE THE RENT CONTROL COURT, THRISSUR. EXHIBIT P3.TRUE COPY OF THE OBJECTION FILED BY THE PETITIONERS THEREIN IN RCP912011. EXHIBIT P4.TRUE COPY OF THE OBJECTION FILED BY THE PETITIONERS THEREIN IN RCP1032011. EXHIBIT P5.TRUE COPY OF THE PROOF OF AFFIDAVIT DATED42/2013 FILED BY THE RESPONDENT IN RCP912011, BEFORE THE RENT CONTROL COURT, THRISSUR. EXHIBIT P6.TRUE COPY OF THE PROOF OF AFFIDAVIT DATED157/2013 FILED BY THE RESPONDENT IN RCP912011, BEFORE THE RENT CONTROL COURT, THRISSUR. RESPONDENT(S)' EXHIBITS: NIL ----- \\TRUE COPY// ms P.A to Judge T.R. RAMACHANDRAN NAIR & A.V.RAMAKRISHNA PILLAI, JJ.

~~~~~ O.P.(RC).No.3102/2013

~~~~~ Dated this the 6th day of September, 2013

JUDGMENT

Ramachandran Nair, J.

The petitioners are respondents in R.C.P.Nos.91/2011 and 103/2011 before the Rent Control Court, Thrissur. The sole issue before this Court is only whether the Rent Control Court was right in posting the main case for trial without first deciding the issue regarding denial of title under the second proviso to Section 11(1) of the

Kerala Buildings (Lease and Rent Control) Act.

2. We heard the learned counsel for the petitioners and the learned counsel for the respondent.

3. Going by the pleadings of the petitioners, and from the submissions made by the learned counsel on both sides, the case was lastly posted on 05/09/2013 for trial. It is also stated in the original petition that evidence has already been taken on the question of denial of title. O.P.(RC).No.3102/2013 -:2:- 4. It is submitted by the learned counsel for the respondent that the respondent is ready to argue the matter on the preliminary question raised disputing title. It is stated that the case is now posted to 10/09/2013. What is required by the petitioners is proper consideration of their contentions with regard to denial of title. It is only proper that the said aspect is considered and an appropriate order is passed before proceeding with the trial of the main case. Therefore, the original petition is disposed of directing the Rent Control Court, Thrissur to take up the question of denial of title raised in the objections filed by the tenants. (T.R. Ramachandran Nair, Judge.) (A.V. Ramakrishna Pillai, Judge.) ms

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