

M.J.Sebastian Vs. Preetha

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Court : Kerala

Decided On : Nov-07-2013

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

Appellant : M.J.Sebastian

Respondent : Preetha

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR & THE HONOURABLE MR. JUSTICE B.KEMAL PASHA THURSDAY, THE 7TH DAY OF NOVEMBER 2013 16TH KARTHIKA, 1935 OP (RC).No. 3624 of 2013 (O) ----- I.A.No.1418/2012 IN RCP82012 of RENT CONTROL COURT,ALUVA PETITIONER/ RESPONDENT IN RCP NO82012 ON THE FILES OF MUNSIFF & RENT CONTROL MCOURT, ALUVA: ----- PETITIONER: M.J.SEBASTIAN, AGED 65 YEARS S/O JOHN, MANAYIL HOUSE RESIDING AT JUBILEE TOWN LIMIT ROAD PATTTERIPURAM KARA, ALUVA EAST VILLAGE, ALUVA TALUK ENRAKULAM DISTRICT BY ADVS.SRI.P.V.VARGHESE (KANJIRAMATTOM) SRI.P.J.JOSE RESPONDENT/PETITIONER IN RCP NO82012 ON THE FILES OF MUNSIFF & RENT CONTROL MCOURT, ALUVA: ----- RESPONDENT: PREETHA, W/O PALATTY JOSE, PADUVAPURAM, EDAKKUNNU KARA KARUKUTTY VILLAGE, ALUVA TALUK ERNAKULAM DISTRICT 68310 R BY ADV.

SRI.V.RAJENDRAN (PERUMBAVOOR) R BY ADV. SRI.GEORGE VARGHESE KIZHAKKAMBALAM THIS OP (RENT CONTROL) HAVING BEEN FINALLY HEARD ON 07/11/2013, ALONG WITH OPRC. 3627/2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: OP (RC).No. 3624 of 2013 (O)

----- APPENDIX PETITIONER(S)' EXHIBITS : -----

EXHIBIT P1 TRUE PHOTOSTAT COPY OF THE RCP NO 8/2012 ON THE FILES OF MUNSIFF & RENT CONTROL COURT, ALUVA EXHIBIT P2 TRUE PHOTOSTAT COPY OF THE STATEMENT OF THE OBJECTION FILED BY THE PETITIONER EXHIBIT P3 TRUE PHOTOSTAT COPY OF THE PLAINT IN O.S NO 373/2013 ON THE FILES OF MUNSIFF'S COURT, ALUVA EXHIBIT P4 TRUE PHOTOSTAT COPY OF THE COMMISSION REPORT IN O.S NO 373/2013 ON THE FILES OF MUNSIFF'S COURT, ALUVA EXHIBIT P5 TRUE PHOTOSTAT COPY OF THE I.A NO 1418/2012 IN R.C.P.NO.8/2012 ON THE FILES OF RENT CONTROL COURT, ALUVA EXHIBIT P6 TRUE PHOTOSTAT COPY OF THE OBJECTION IN I.A NO 1418/2012 IN R.C.P.NO.8/2012 ON THE FILES OF THE RENT CONTROL COURT, ALUVA RESPONDENT(S)' EXHIBITS : NIL

----- ms \\True copy// P.S to Judge T.R. RAMACHANDRAN NAIR & B.KEMAL PASHA, JJ.

~~~~~ O.P.(RC).Nos.3624 & 3627 of 2013

~~~~~ Dated this the 7th day of November, 2013

JUDGMENT

Ramachandran Nair, J.

The petitioner and respondent in both these Original Petitions (Rent Control) are the same. These petitions have been filed seeking for a direction to the Rent Control Court to first decide the issue of denial of Landlord-Tenant relationship, and denial of title as urged by the petitioner- tenant in the inter locutory applications filed before the said court. According to the learned counsel for the landlord, the plea of the tenant is without any bona fides. As far as O.P.(RC).No.3624/2013 is concerned, the copy of the said inter locutory application is Ext.P5 and in O.P.(RC). No.3627/2013 also the copy of the said

application is produced as Ext.P5.

2. We had called for a report from the Rent Control Court, Aluva and going by the report, the matter is posted for evidence on 11/11/2013, for disposing of these two inter locutory applications. O.P.(RC).Nos.3624 & 3627 of 2013 -:2:- 3. Learned counsel for the petitioner pressed for a direction that the court may take evidence on the inter locutory applications and decide the point under the second proviso to Section 11(1) of the Kerala Buildings (Lease and Rent Control) Act, [for short, the 'Act'].

4. Learned counsel for the landlord submitted that the rent control petitions itself require an early disposal since they are mainly for fixation of fair rent under Section 5 of the Act.

5. Since it is evident from the report of the learned Munsiff that the matter is posted on 11/11/2013 for evidence, we direct the Rent Control Court to dispose of the inter locutory applications on its merits by deciding the questions raised by the petitioner under Section 11(1) of the Act. The rent control petitions will also be disposed of, at any rate, within three months thereafter. The Original Petitions (Rent Control) are disposed of accordingly. Sd/- (T.R. Ramachandran Nair, Judge)
Sd/- (B.Kemal Pasha, Judge) ms

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