

Abdul Rahman Vs. Gopalakrishna Bhat

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Court : Kerala

Decided On : Jul-03-2014

Judge : Honourable Mr.Justice P.N.Ravindran

Appellant : Abdul Rahman

Respondent : Gopalakrishna Bhat

Judgement :

IN THE HIGH COURT OF KERALAAT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE K.T.SANKARAN & THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE THURSDAY, THE 3D DAY OF JULY 2014/12TH ASHADHA, 1936 RCR Rev..No. 110 of 2014 (B) AGAINST THE

JUDGMENT

DATED 15.2.2014 IN RCA 222013 ON THE FILE OF THE RENT CONTROL APPELLATE AUTHORITY, ERNAKULAM AGAINST THE

ORDER

IN RCP.NO.7/2011 ON THE FILE OF THE RENT CONTROL COURT, ERNAKULAM DATED 30.3.2013. REVISION PETITIONERS/APPELLANTS/RESPONDENTS 5 & 6:

1. ABDUL GAFOOR, S/O. LATE P.MAMMU, AGED 58 ZAHIDA CROKERY STORES, KUTTY SAHIB BUILDINGS, ALUMKADAVU ROAD, BROADWAY, KOCHI - 35.

2. MUSTAFA P.M., S/O.LATE P.MAMMU, AGED56 ZAHIDA CROKERY STORES, KUTTY SAHIB BUILDINGS, ALUMKADAVU ROAD, BROADWAY, KOCHI - 35. BY ADVS. SRI.N.N.SUGUNAPALAN (SR.) SRI.S.SUJIN RESPONDENTS/RESPONDENTS/PETITIONER & RESPONDENTS1TO4 1. V.K.AZAD, AGED65YEARS, S/O.LATE KUTTY SAHIB, VALIYAVEETIL HOUSE, S.R.M.ROAD ERNAKULAM, KOCHI - 18.

2. ZAHIDA HAROON, AGED63YEARS, W/O.LATE K.P.A. HAROON, 32/889 A, KALOOR CROSS ROAD, KOCHI - 18. (DELETED) 3. SUBAIDHA SHAREEF, AGED61YEARS, W/O.LATE M.SHAREEF, THANIKKAL HOUSE NEAR N.A.P.JUNCTION, AZAD ROAD, KALOOR - 682 020. (DELETED) 4. JAMEELA RASHEED, AGED59YEARS, W/O.RASHEED, NEAR FIRE STATION,KOLLAM - 691 001.(DELETED) 5. AYSHA REFIQ, AGED56YEARS, W/O.DR.REFIQ, CHIRAKULAM, HOUSE NO.TCR77RESIDENCE ASSOCIATION, NEAR STATUE, THIRUVANANTHAPURAM - 695 001.(DELETED) RESPONDENTS2TO5WERE REMOVED FROM THE ARRAY OF PARTIES AS PER THE

ORDER

DATED37.2014 IN MEMO DATED37.2014. R1 BY ADV. SRI.R..LAKSHMI NARAYAN (CAVEATOR) THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON0307-2014, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: K.T.SANKARAN & A.MUHAMED MUSTAQUE, JJ.

----- R.C.R. NO.110 OF2014B
----- Dated this the 3rd day of July, 2014

ORDER

K.T.Sankaran, J.

This Rent Control Revision is filed by respondents 5 and 6 in R.C.P.No.7 of 2011 on the file of the Rent Control Court, Ernakulam. The Rent Control Court allowed the Rent Control Petition and ordered eviction under Sections 11(3) and 11(4)(iii) of the Kerala Buildings (Lease and Rent Control) Act. R.C.A.No.22 of 2013, filed by respondents 5 and 6 in the Rent Control Petition, was dismissed by the Rent

Control Appellate Authority, Ernakulam.

2. The parties were referred for mediation. They settled their disputes and differences before the mediator and a memorandum of agreement was signed by them. The terms of the memorandum of agreement are the following: "The petitioners and the respondents have agreed to settle the disputes arising in the above R.C.R. NO.110 OF2014B ::

2. :: R.C.R.No.110/2014 on the following terms and conditions:

1. The Revision Petitioners agree that the 1st respondent Landlords need urged in the Rent Control Petition is bonafide and genuine.

2. The Revision Petitioners also agree that they are the only persons in occupation of the petition schedule building as Tenants paying rent and the respondents 2 to 5 do not have any right or interest in the petition schedule property.

3. For facilitating smooth shifting of the furnitures and fixtures belonging to the Revision Petitioners, the 1st respondent undertake that he will pay an amount of Rs.4,00,000/- to the Revision Petitioners on the date of surrender of vacant possession of the petition schedule building.

4. The Revision Petitioners hereby undertake that they will surrender the vacant possession of the petition schedule building to the 1st respondent/Landlord on or before 30.08.2014.

5. The parties agree that the amount of Rs.4,00,000/- indicated above would include the amount if any paid as security deposit/advance by R.C.R. NO.110 OF2014B ::

3. :: the Revision Petitioners or their predecessor in interest at the time of taking the petition schedule building on rent.

6. It is also agreed by either the parties that if the conditions mentioned are complied with no further claims will raised by either parties against each other. So it is most respectfully prayed that this Hon'ble Court may be pleased to dispose of the above RCR in terms of the settlement reached, as reflected above, in the

interest of justice." The memorandum of agreement signed by the parties is recorded and the Rent Control Revision is disposed of in terms of the memorandum of agreement. This order shall be treated as an executable order, in case it becomes necessary. (K.T.SANKARAN) Judge (A.MUHAMED MUSTAQUE) Judge ahz/

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