

Shine vs Prabhakaran

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Court : Kerala

Decided On : Jul-25-2024

Judge : Honourable Mr. Justice Amit Rawal, Honourable Mr. Justice Easwaran S.

Appeal No. : RCRev./132/2024

Appellant : SHINE

Respondent : Prabhakaran

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL & THE HONOURABLE MR. JUSTICE EASWARAN S. THURSDAY, THE 25TH DAY OF JULY 2024 / 3RD SRAVANA, 1946 RCREV. NO. 132 OF 2024 AGAINST THE JUDGMENT DATED 27.03.2024 IN RCA NO.19 OF 2022 OF

DISTRICT COURT & SESSIONS COURT, THRISSUR ARISING OUT OF THE ORDER

DATED 14.09.2021 IN RCP NO.144 OF 2013 OF MUNSIF COURT, CHAVAKKAD REVISION PETITIONER(S)/APPELLANT/2ND RESPONDENT: SHINE AGED 48 YEARS S/O PANAKKAL GANGADHARAN, PANAKKAL HOUSE, ELAVALLY AMSOM, VILLAGE AND DESOM, CHAVAKKAD

TALUK, THRISSUR DISTRICT, PIN - 680511 BY ADVS. RAJIT V.V.JOY
RESPONDENT(S)/RESPONDENTS/PETITIONERS & RESPONDENT 1 & 3: 1
PRABHAKARAN AGED 72 YEARS S/O LATE KALLINGAL KUTTAPPAN,
ELAVALLY VILLAGE AND DESOM, CHAVAKKAD, THRISSUR, PIN - 680511

2 LEELA AGED 64 YEARS W/O KALLINGAL PRABHAKARAN, ELAVALLY
VILLAGE AND DESOM, 3 SUDHEER 4 ROY CHAVAKKAD TALUK, THRISSUR,
PIN - 680511 RCREV. NO. 132 OF 2024 -2- BY ADV P.RAMACHANDRAN THIS
RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON
25.07.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
RCREV. NO. 132 OF 2024 -3-

JUDGMENT

Amit Rawal, J.

1. Petitioner-tenant is in Revision petition against

the judgment of the Rent Control Appellate Authority whereby the order of the rent
petition bearing No.144 of 2013 preferred by the respondents-landlords for
seeking the eviction on the ground of personal necessity has been upheld.

2. After arguing for some time, we also do not find

any illegality or perversity in the order. Faced with the situation, counsel for the
petitioner seeks liberty of this court for withdrawal of the petition asking for
reasonable time to vacate. Liberty is granted to withdraw the petition with the
following conditions: I) Tenant will vacate the premises on or before 24.01.2025
and continue to pay the rent till the vacation of the premises and shall also clear all
the arrears, if any within a period of one month from the date of receipt of a
certified copy of the RCREV. NO. 132 OF 2024 -4-

judgment.

II) Tenant is directed to file an undertaking to this effect before the Rent Controller
within a period of one month from today. III) Till such time, the order of eviction is

ordered to be kept in abeyance. In case of any default of the aforementioned conditions or two subsequent defaults in paying the rent, respondent-landlord shall be entitled to seek the eviction in accordance with law. AMIT RAWAL EASWARAN S. vv

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