

David, vs Madhavan Malankad,

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Court : Kerala

Decided On : Oct-06-2023

Judge : Honourable Mr. Justice P.B.Suresh Kumar, Honourable Mr. Justice P.G. Ajithkumar

Appeal No. : RCRev./16/2023

Appellant : DAVID,

Respondent : Madhavan Malankad,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR FRIDAY, THE 6TH DAY OF OCTOBER 2023 / 14TH ASWINA, 1945 RCREV. NO. 16 OF 2023 AGAINST THE JUDGMENT DATED 17.10.2022 IN RCA NO.6 OF 2019 OF RENT CONTROL APPELLATE AUTHORITY-III (ADDITIONAL DISTRICT JUDGE- III), KASARAGOD CONCURRING WITH THE COMMON ORDER DATED 13.11.2018 IN RCP NO.9 OF 2017 OF RENT

CONTROLLER (PRINCIPAL MUNSIFF), KASARAGOD REVISION PETITIONER/APPELLANT/RESPONDENT: DAVID, AGED 55 YEARS,

S/O VARGHESE, RESIDING AT ULIYATHADKA, MADHUR VILLAGE & POST, KASARGOD DISTRICT- 671124 SURESH KUMAR KODOTH SUKARNAN RESPONDENTS/RESPONDENTS/PETITIONERS: 1 MADHAVAN MALANKAD, AGED 71 YEARS S/O KRISHNAN NAIR, R/AT KRISHNA KRIPA, 2 NIRMALA MADHAVAN, AGED 51 YEARS W/O MADHAVAN MALANKAD, R/AT KRISHNA KRIPA, VIDYANAGAR POST, KASARGOD DISTRICT, 671123

3 VINAYARAJ MK, AGED 35 YEARS R.C.Rev. No.16 of 2023 2 4 SREERAJ MALANKAD, AGED 32 YEARS VIDYANAGAR POST, KASARGOD DISTRICT, 671123. P.RAKESH THAMBAN(K/288/2021) (CAVEATOR) THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 06.10.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: R.C.Rev. No.16 of 2023 3 P.B.SURESH KUMAR & P.G.AJITHKUMAR, JJ. R.C.Rev. No.16 of 2023 Dated this the 06th day of October, 2023

ORDER

P.B.Suresh Kumar, J.

The tenant in a proceedings for eviction under the Kerala Buildings (Lease and Rent Control) Act, 1965 (the Act) has instituted this rent control revision challenging the concurrent orders of eviction suffered by him in a proceedings under Section 11(3) of the Act.

2. After arguing the matter for quite some time,

having convinced that the arguments raised on behalf of the petitioner are not acceptable to the court, the learned counsel for the petitioner prayed for indulgence for a longer time to surrender vacant possession of the premises which is the subject matter of the proceedings, to the respondents on the premise that it is difficult to find out an alternative premises for the business carried on by the petitioner in the tenanted premises. R.C.Rev. No.16 of 2023 4 Having regard to the facts and circumstances of the case as also the orders passed in similar and identical revisions, the rent control revision is disposed of granting six months' time

from today to the petitioner to surrender vacant possession of the premises, on condition that he shall file an unconditional undertaking before the Rent Control Court within one month from today to vacate the tenanted premises within six months and also that he shall pay the arrears of rent, if any, within the aforesaid time limit and continue to pay the monthly rent on or before the tenth day of every succeeding month, till he vacates the premises. P.B.SURESH KUMAR, JUDGE. P.G.AJITHKUMAR, JUDGE. ds

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