

Haridas P vs Raghu

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SooperKanoon Citation : sooperkanoon.com/1364181

Court : Kerala

Decided On : Jun-02-2023

Judge : Honourable Mr. Justice Anil K.Narendran,Honourable Mr.Justice P.G. Ajithkumar

Appeal No. : RCRev./113/2023

Appellant : Haridas P

Respondent : RAGHU

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR FRIDAY, THE 2ND DAY OF JUNE 2023 / 12TH JYASHTA, 1945 RCREV. NO. 113 OF 2023 AGAINST THE JUDGMENT DATED 28.02.2023 IN R.C.A.NO.44 OF 2014 IN THE COURT OF RENT CONTROL APPELLATE AUTHORITY, THRISSUR THAT WAS FILED AGAINST THE ORDER DATED 19.08.2013 IN R.C.P NO.87 OF 2010 OF THE RENT CONTROL COURT, THRISSUR REVISION PETITIONER/APPELLANT/RESPONDENT: HARIDAS P AGED 62 YEARS S/O.KUNDOOR ACHUTHA MENON, KUNDOOR HOUSE,

VALLACHIRA VILLAGE & DESOM, VALLACHIRA P. O., THRISSUR,
PIN - 680562 BY ADV R.MAHESH MENON
RESPONDENT/RESPONDENT/PETITIONER: RAGHU AGED 52
YEARS S/O.KESAVAN, AROKKIL HOUSE, URAKAM VILLAGE &
DESOM, URAKAM P.O., THRISSUR, PIN - 680562 SRI. RAJESH
CHAKYATH - RESPONDENT THIS RENT CONTROL REVISION
HAVING COME UP FOR ADMISSION ON 02.06.2023, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Anil K.Narendran, J.

The petitioner is the respondent-tenant in RCP No.87 of 2010

on the file of the Rent Control Court (Munsiff), Thrissur, which was one filed by the respondent herein-landlord under Sections 11(2)(b), 11(3) and 11(8) of the Kerala Buildings (Lease and Rent Control) Act, 1965 seeking eviction of the tenant from the petition schedule shop rooms. The bona fide need projected in the Rent Control Petition for seeking an order of eviction under Section 11(3) of the Act is that of the landlord to convert the hotel conducted in the shop room on the northern side of the petition schedule shop rooms and to convert it into a family restaurant, after demolishing a wall to unite the shop rooms. Before the Rent Control Court, the tenant filed objection opposing the order of eviction sought for. The landlord was examined as PW1 and Exts.A1 to A7 were marked on his side. The report of the Advocate Commissioner was marked as Ext.C1. On the side of the tenant, he was examined as RW1. After considering the pleadings and evidence on record, the Rent Control Court arrived at a conclusion that the need projected in the Rent Control Petition for seeking an order of eviction under Section 11(3) of the Act is bona fide. Since the tenant has no case regarding

vacant possession of any other suitable room in the locality by the landlord for the need projected in the Rent Control Petition, the provisions under the first proviso to Section 11(3) of the Act has no application. Regarding the first limb of the second

proviso to Section 11(3) of the Act, the tenant failed to prove that he depends mainly upon the income derived from the medical shop conducted in the petition schedule shop room for his livelihood. Regarding the second proviso, the tenant could not satisfactorily prove non-availability of other buildings in the locality. Therefore, the Rent Control Court found that the tenant is not entitled to protection under the second proviso to Section 11(3) of the Act. Accordingly, the Rent Control Court, by the order dated 19.08.2013 granted an

order of eviction under Section 11(3) of the Act and tenant was

directed to surrender vacant possession of the petition schedule

shop rooms to the landlord within a period of one month. The order

of eviction sought for under Sections 11(2)(b) and 11(8) of the Act was declined.

2. Challenging the order of eviction granted by the Rent

Control Court under Section 11(3) of the Act, the tenant filed RCA No.44 of 2014 before the Rent Control Appellate Authority (1st Additional District Judge), Thrissur, invoking the provisions under Section 18(1)(b) of the Act. That appeal ended in dismissal by the

judgment dated 28.02.2023, thereby confirming the order of

eviction granted by the Rent Control Court.

3. Feeling aggrieved, the petitioner-tenant is before this Court in this Rent Control Revision, invoking the provisions under Section 20 of the Act.

4. Heard the learned counsel for the petitioner-tenant and also the learned counsel for the respondent-landlord.

5. The learned counsel for the petitioner-tenant would contend that the order of eviction concurrently passed by the authorities below is arbitrary and illegal, which warrants interference in exercise of the revisional jurisdiction under Section 20 of

the Act.

6. On the other hand, the learned counsel for the

respondent-landlord would contend that the order of eviction granted by the authorities below warrants no interference in exercise of the revisional jurisdiction under Section 20 of the Act, since the reasoning of the said authorities cannot be said to be either perverse or patently illegal.

7. Section 11 of the Act deals with eviction of tenants. As

per Section 11(1), notwithstanding anything to the contrary contained in any other law or contract a tenant shall not be evicted, whether in execution of a decree or otherwise, except in accordance with the provisions of this Act. As per Section 11(3) of the Act, a landlord may apply to the Rent Control Court, for an

order directing the tenant to put the landlord in possession of the

building if he bona fide needs the building for his own occupation or for the occupation by any member of his family dependent on him. As per the first proviso to Section 11(3), the Rent Control Court shall not give any such direction if the landlord has another building of his own in his possession in the same city, town or village except where the Rent Control Court is satisfied that for special reasons, in any particular case it will be just and proper to do so. As per the second proviso to Section 11(3), the Rent Control Court shall not give any direction to a tenant to put the landlord in possession, if such tenant is depending for his livelihood mainly on the income derived from any trade or business carried on in such building and there is no other suitable building available in the locality for such person to carry on such trade or business.

8. In *Adil Jamshed Frenchman v. Sardur Dastur*

Schools Trust [(2005) 2 SCC 476] the Apex Court reiterated that, as laid down in *Shiv Samp Gupta v. Dr. Mahesh Chand Gupta* [(1999) 6 SCC 222] a bona fide requirement must be an outcome of a sincere and honest desire in contradistinction with a mere pretext for evicting the tenant on the part of the

landlord claiming to occupy the premises for himself or for any member of the family which would entitle the landlord to seek ejectment of the tenant. The question to be asked by a judge of facts by placing

himself in the place of the landlord is whether in the given facts

proved by the material on record the need to occupy the premises can be said to be natural, real, sincere and honest. The concept of bona fide need or genuine requirement needs a practical approach instructed by the realities of life. As reiterated in *Deena Nath v. Pooran Lal* [(2001) 5 SCC 705] bona fide requirement has to be distinguished from a mere whim or fanciful desire. The bona fide requirement is in praesenti and must be manifested in actual need so as to convince the court that it is not a mere fanciful or whimsical desire.

9. In *Nalakath Saidali Haji v. Kalluparamba Musthafa*

and others [2015 (4) KHC 815] a Division Bench of this Court relied on the law laid down in the decisions of the Apex Court referred to supra. The Division Bench also noticed the law laid down by the Apex Court in *Kizhakkayil Suhara v. Manhantavida Aboobacker (dead) by Lrs.* [(2001) 8 SCC 19] that, not merely the need of the landlord but also the need of the dependants for whom eviction is sought, should be established to be bona fide. On the facts of the case on hand, the Division Bench

noticed that, neither the Rent Control Court nor the Appellate Authority has considered the need put forward by the landlord in accordance with the principles laid down in the decisions referred to supra and in the manner in which, the same ought to have been considered. Both the authorities were influenced by the fact that the landlord was holding an employment visa. The Division Bench noticed that, there is absolutely no evidence available on record regarding the nature of the employment visa that the landlord was holding or the terms subject to which the said visa has been issued to him. The conclusions of both the authorities below are based on the admission made by the landlord, while he was cross-examined as PW1. Nothing precludes the landlord from going abroad for employment. The case of the landlord in the Rent Control Petition is that, he has

left his employment abroad and has come back to his native place. The fact that he is still holding an employment visa, does not militate against the bona fide need pleaded by the landlord.

10. In *Ammu v. Nafeesa* [2015 (5) KHC 718] a Division

Bench of this Court held that, it is a settled proposition of law that the need put forward by the landlord has to be examined on the presumption that the same is a genuine one, in the absence of any materials to the contra.

11. In *Regy V. Edthil v. Hubert Leslie D'Cruz* [2016 (2)

KLJ 164] a Division Bench of this Court relied on the decision of the Apex Court in *Deena Nath v. Pooran Lal* [(2001) 5 SCC 705], wherein the Apex Court held that, in order to order eviction on the ground of bona fide need of the landlord, the statutory requirement is that there must be an actual pressing need, not a mere whim or fanciful desire; it must be in praesenti and also the landlord must not be in possession of any other reasonably suitable accommodation of his own in the town or city concerned. In the said decision, the Division Bench relied on the decision of the Apex Court in *Shiv Sarup Gupta* [(1999) 6 SCC 222], wherein it was

held that, the term 'bona fide' or 'genuinely' refers to a state of

mind. Requirement is not a mere desire. The phrase 'required bona fide' is suggestive of Legislative intent is an outcome of a sincere and honest desire, in contra distinction with a mere desire, by the Rent Control Legislation. In *Abdul Salam v. Sebastian* [2013 (4) KLT 592], a Division Bench of this Court held that, when the landlord has clearly admitted in his evidence that vacant rooms are in his possession, he has to attribute special reasons for not occupying it, as the need mentioned under Section 11(3) of the Act cannot be a mere desire. On the facts of that case, since there was no sufficient opportunity given in the absence of plea, the Rent

Control Petition was remitted to the Rent Control Court to enable the landlord to adduce evidence on that aspect and for fresh consideration by the Rent Control

Court. Therefore, if there is admission on the part of the landlord of coming into possession of vacant rooms, unless special reason is given for not occupying the same, the need cannot be said to be bona fide and he is not entitled to get an order of eviction under Section 11(3) of the Act.

12. In *Gireeshbabu T.P. v. Jameela and others* [2021

(5) KHC SN 30], a Division Bench of this Court in which one

among us (Anil K. Narendran, J) was a party, held that, in order to satisfy the requirement of Section 11(3) of the Act, a bona fide need must be an outcome of a sincere and honest desire of the landlord in contradistinction with a mere pretext on the part of the landlord for evicting the tenant, claiming to occupy the premises for himself or for any member of his family dependent on him. Once, on the basis of the materials on record, the landlord has succeeded in showing that the need to occupy the premises is natural, real, sincere and honest, and not a ruse to evict the tenant from the said premises, the landlord will certainly be entitled for an order of eviction under Section 11(3) of the Act but, of course, subject to the first and second provisos to Section 11(3).

13. In the instant case, the bona fide need projected in the

Rent Control Petition for seeking an order of eviction under Section 11(3) of the Act stands proved by the oral testimony of the landlord as PW1. The fact that presently the landlord is working at Bangalore as a Software Engineer and his wife is also employed at Bangalore is not a valid reason to doubt the bona fide need projected in the Rent Control Petition for seeking eviction under Section 11(3) of the Act. Nothing could be brought out during the cross examination of PW1 to discredit his version in support of the claim for eviction. In Ext.C1 report the Advocate Commissioner has reported that in the hotel run by the landlord and his father, there is no family room or toilet facility. The washing facility, dining facility and kitchen in the hotel are in a congested area. The petition schedule shop rooms and the room on its northern side, in which the landlord and his father are conducting hotel are separated by a single wall. After considering the pleadings and

evidence on record, the Rent Control Court arrived at a conclusion

that the need projected in the Rent Control Petition for seeking an

order of eviction under Section 11(3) of the Act is bona fide. The

said finding is confirmed by the Appellate Authority in the impugned judgment. The concurrent findings of the authorities below on the above aspect is neither perverse nor patently illegal, warranting interference by this Court.

14. As per the first proviso to Section 11(3), the Rent

Control Court shall not give any such direction if the landlord has another building of his own in his possession in the same city, town or village except where the Rent Control Court is satisfied that for special reasons, in any particular case it will be just and proper to do so.

15. In *M.L. Prabhakar v. Rajiv Singal* [(2001) 2 SCC

355] the Apex Court was dealing with a case in which eviction on the ground of bona fide requirement was sought for under Section 14(1)(e) of the Delhi Rent Control Act, 1958. In the said decision, the Apex Court relied on the law laid down in *Ram Narain Arora v. Asha Rani* [(1999) 1 SCC 141], wherein it was held that the question whether the landlord has any other reasonably suitable residential accommodation is a question which is intermixed with the question regarding bona fide requirement. Whether the

landlord has any other reasonably suitable residential accommodation is a defence for the tenant. Whether the other accommodation is more suitable than the suit premises would not solely depend upon pleadings and non-disclosure by the landlord. The landlord having another accommodation would not be fatal to the eviction proceedings if both the parties understood the case and placed materials before the court and case of neither party

was prejudiced. On the facts of the case on hand, the Apex Court found that, even though the landlord has not mentioned about the other two premises, the material in respect of the other two premises was placed before the Rent Controller as well as before the High Court, thus no prejudice has been caused, and the parties have squarely dealt with this question.

16. In *Vasantha Mallan v. N.S. Aboobacker Siddique*

[2020 (1) KHC 21] the question that arose before a Division Bench of this Court was whether a landlord is bound to plead under first proviso to Section 11(3) of the Act, the availability of vacant building in his possession and seek to explain special reason for non-occupation of such premises, in a proceeding initiated for eviction of the tenant under Section 11(3) of the Act. The Division Bench held that the initial burden to prove that landlord is in possession of vacant building, if any, is only upon the tenant unless the landlord himself admits any such vacant building to be in his possession. Only when the primary burden of proof in this behalf is discharged by the tenant, the burden shifts to the landlord to show otherwise or that the vacant premises are not suited to his needs. He can successfully discharge his part of the burden by adducing evidence either through his own testimony or others or in any other legal manner. Law does not require the landlord to

plead that he is in possession of any vacant building and has special reasons for its non-occupation. It is up to the tenant alone to take up the contention and prove that landlord is in vacant possession of premises.

17. In *Vasantha Mallan*, relying on the law laid down by

the Apex Court in *M.L. Prabhakar* [(2001) 2 SCC 355] the Division Bench held that, it is not incumbent on the landlord to disclose in his pleading availability of vacant building in his possession. The non-disclosure of vacant premises cannot be picked up as a reason or circumstance to doubt the bona fides of the claim of the landlord put forward under Section 11(3) of the Act. The Division Bench made it clear that it is not obligatory for the landlord to disclose in his pleadings the details of the vacant buildings available in his possession. Nor does first proviso to

Section 11(3) of the Act insist the landlord to plead that the buildings available in his possession are not sufficient to meet his requirements. These are matters of evidence rather than pleadings. Failure of the landlord to disclose availability of buildings in his possession and plead special reasons for not occupying them, cannot be taken as a valid and legal ground for rejecting the claim of the landlord as not bona fide. What could at the most be said is that it might be a fair and reasonable conduct if the landlord

disclosed in his pleadings the details of buildings in his possession and simultaneously explained the reason for non-occupation of the premises for his alleged needs.

18. In the instant case, the petitioner-tenant has no specific

case that the landlord is in vacant possession of a suitable building in the locality to satisfy the need projected in the Rent Control Petition for seeking an order of eviction under Section 11(3) of the Act. In such circumstances, the finding on the first proviso to Section 11(3) of the Act, which is against the petitioner-tenant warrants no interference by this Court.

19. As per the second proviso to Section 11(3) of the Act,

the Rent Control Court shall not give any direction to a tenant to put the landlord in possession, if such tenant is depending for his livelihood mainly on the income derived from any trade or business carried on in such building and there is no other suitable building available in the locality for such person to carry on such trade or business.

20. In *Ammeer Hamsa v. Ramabhadran and another*

[2019 (2) KHC 465] a Division Bench of this Court held that, it is trite law that both limbs under the second proviso to Section 11(3) of the Kerala Buildings (Lease and Rent Control) Act are conjunctive and the burden of proof is on the tenant. Thus, the

legal position has been settled by a long line of decisions and the courts below have rightly placed reliance upon those decisions. Vide: Narayanan Nair v. Pachumma [1980 KLT 430], Prasannan v. Haris [2005 (2) KLT 365], Vineethan v. Fathima and others [2016 (1) KHC 631]. In view of the legal position well settled by the aforesaid decisions, the landlord is not required to plead or prove other sources of income of the tenant. That apart, income is a fact which remains exclusively in the knowledge of each person only and another person cannot adduce evidence to prove income. Merely on the reason that the landlord has stated that the tenant has other sources of income and he is not mainly depending upon the income from the business carried on in the tenanted premises, for his livelihood and he failed to prove so, the tenant cannot escape from the burden of proof cast on him under the first limb of the second proviso to Section 11(3) of the Act. Where the statutory provision itself explicitly imposes the burden of proof on a party to the lis, there cannot be any variation whatever be the pleadings of the other party in that respect. The second proviso to Section 11(3) is an exception to the principal provision, granting protection to the tenant. When the second proviso itself imposes the burden of proof on the tenant,

the question whether the landlord has pleaded or proved the facts

constituting the said proviso is insignificant and irrelevant. Even if the landlord pleaded so, the burden of proof will not be shifted to him. Since the second proviso to Section 11(3) is an exception to the principal provision, which would dis-entitle the landlord to get the order of eviction under Section 11(3), the burden of proof, under the said proviso is always on the tenant and unless the

burden of proof under the second proviso is discharged satisfactorily, the tenant is not entitled to get protection under the said proviso to Section 11(3) of the Act.

21. In the instant case, the tenant failed to make out a case

to attract the second proviso to Section 11(3) of the Act. No reliable materials were placed before the Rent Control Court to prove that the tenant is depending on his livelihood mainly on the income derived from the medical shop conducted in the

petition schedule shop rooms and that there is no other suitable building available in the locality for the tenant to carry on that business. The Advocate Commissioner in Ext.C1 report stated that certain rooms are found closed in the locality in which the petition schedule shop rooms situate. RW1, when asked about the enquiry he had conducted regarding non-availability of other buildings in the locality, could not even able to say the name of the party with whom he made enquiry on that aspect. In the absence of any such

materials, the authorities below concurrently found that the tenant is not entitled to the protection under the second proviso to Section 11(3) of the Act. The said findings of the authorities below are neither perverse nor patently illegal, warranting interference by this Court.

22. Section 20 of the Kerala Buildings (Lease and Rent

Control) Act deals with revision. As per sub-section (1) of Section 20, in cases, where the appellate authority empowered under Section 18 is a Subordinate Judge, the District Court, and in other cases the High Court, may, at any time, on the application of any aggrieved party, call for and examine the records relating to any

order passed or proceedings taken under this Act by such authority

for the purpose of satisfying itself as to the legality, regularity or

propriety of such order or proceedings, and may pass such order

in reference thereto as it thinks fit. As per sub-section (2) of Section 20 of the Act, the costs of and incident to all proceedings before the High Court or District Court under sub-section (1) shall be at its discretion.

23. In Rukmini Amma Saradamma v. Kallyani

Sulochana [(1993) 1 SCC 499], the scope of revisional powers of the High Court under Section 20 of the Kerala Buildings (Lease and Rent Control) Act, 1965 came

up for consideration before the

Three-Judge Bench of the Apex Court. While considering whether the High Court could have re-appreciated entire evidence, the Apex Court held that, even the wider language of Section 20 of the Act cannot enable the High Court to act as a first or a second court of appeal. Otherwise, the distinction between appellate and revisional jurisdiction will get obliterated. Hence, the High Court was not right in re-appreciating the entire evidence both oral or documentary in the light of the Commissioner's report. The High Court had travelled far beyond the revisional jurisdiction. Even by the presence of the word propriety it cannot mean that there could be a re-appreciation of evidence. Of course, the revisional court can come to a different conclusion but not on a re- appreciation of evidence; on the contrary, by confining itself to legality, regularity and propriety of the order impugned before it.

24. In *T. Sivasubramaniam v. Kasinath Pujari* [(1999)

7 SCC 275] the Apex Court held that, the words to satisfy itself employed in Section 25 of the Tamil Nadu Buildings (Lease and Rent Control) Act, 1960 no doubt is a power of superintendence, and the High Court is not required to interfere with the finding of fact merely because the High Court is not in agreement with the findings of the courts below. It is also true that the power exercisable by the High Court under Section 25 of the Act is not an

appellate power to reappraise or reassess the evidence for coming to a different finding contrary to the finding recorded by the courts below. But where a finding arrived at by the courts below is based on no evidence, the High Court would be justified in interfering with such a finding recorded by the courts below.

25. In *Ubaiba v. Damodaran* [(1999) 5 SCC 645] the

Apex Court considered the exercise of revisional power by the High Court, under Section 20 of the Kerala Buildings (Lease and Rent Control) Act, 1965, in the context of an issue as to whether the relationship of landlord-tenant existed or not. It was urged that whether such relationship existed would be a jurisdictional fact. Relying on the decision in *Rukmini Amma Saradamma* it was contended that,

however wide the jurisdiction of the revisional court under Section 20 of the Act may be, it cannot have jurisdiction to re-appreciate the evidence and substitute its own finding upsetting the finding arrived at by the appellate authority. The Apex Court held that, though the revisional power under Section 20 of the Act may be wider than Section 115 of the Code of Civil Procedure, 1908 it cannot be equated even with the second appellate power conferred on the civil court under the Code. Therefore, notwithstanding the use of the expression propriety in Section 20 of the Act, the revisional court will not be entitled to re-

appreciate the evidence and substitute its own conclusion in place of the conclusion of the appellate authority. On examining the impugned judgment of the High Court, in the light of the aforesaid ratio, the Apex Court held that the High Court exceeded its jurisdiction by re-appreciating the evidence and in coming to the

conclusion that the relationship of landlord-tenant did not exist.

26. In Hindustan Petroleum Corporation Limited v.

Dilbahar Singh [(2014) 9 SCC 78] a Five-Judge Bench of the Apex Court considered the revisional powers of the High Court under Rent Acts operating in different States. After referring to the law laid down in Rukmini Amma Saradamma the Apex Court reiterated that even the wider language of Section 20 of the Kerala Buildings (Lease and Rent Control) Act, 1965 does not enable the High Court to act as a first or a second court of appeal. The Constitution Bench agreed with the view of the Three-Judge Bench in Rukmini Amma Saradamma that the word propriety does not confer power upon the High Court to re-appreciate evidence to come to a different conclusion, but its consideration of evidence is

confined to find out legality, regularity and propriety of the order

impugned before it.

27. In Thankamony Amma v. Omana Amma [AIR 2019 SC 3803 : 2019 (4) KHC 412] considering the matter in the

backdrop of law laid down in Rukmini Amma Saradamma, Ubaiba and Dilbahar Singh the Apex Court held that the findings rendered by the courts below were well supported by evidence on record and could not even be said to be perverse in any way. The High Court could not have re-appreciated the evidence and the concurrent findings rendered by the courts below ought not to have been interfered with by the High Court while exercising revisional jurisdiction.

28. Viewed in the light of the law laid down in the decisions

referred to supra, conclusion is irresistible that any interference in the order of eviction granted by the Rent Court and confirmed by the Rent Control Appellate Authority is warranted only if the reasoning of the authority is either perverse or patently illegal. In the instant case, the reasoning of the authorities below while ordering eviction of the tenant from the petition schedule shop room under Section 11(3) of the Act, is neither perverse nor patently illegal and it cannot be said that they have committed any manifest error while passing such an order.

29. In such circumstances, this Rent Control Revision fails and the same can only be dismissed.

30. The learned counsel for the petitioner-tenant would submit that in case this Court is not inclined to interfere with the

order of eviction passed by the Rent Control Court and confirmed

by the Appellate Authority, the tenant may be granted one year time to surrender vacant possession of the petition schedule shop rooms to the respondent-landlord.

31. The learned counsel for the respondent-landlord would submit that the landlord is prepared to grant reasonable time to the tenant to give vacant possession of the petition schedule shop rooms.

32. Having considered the submissions made by the

learned counsel on both sides, we deem it appropriate to grant seven months time to the petitioner-tenant to surrender vacant possession of the petition schedule

shop rooms to the respondent- landlord, subject to the following conditions;

(i) The respondent-tenant in the Rent Control Petition shall

file an affidavit before the Rent Control Court or the Execution Court, as the case may be, within two weeks from the date of receipt of a certified copy of this order, expressing an unconditional undertaking that he will surrender vacant possession of the petition schedule shop rooms to the petitioner-landlord within seven months from the date of this order and that, he shall not induct third parties into possession of the petition schedule shop rooms and further, he shall conduct any business in the petition schedule shop rooms only on the strength of a valid licence/permission/ consent issued by

the local authority/statutory authorities;

(ii) The respondent-tenant in the Rent Control Petition shall

deposit the entire arrears of rent as on date, if any, before the Rent Control Court or the Execution Court, as the case may be, within four weeks from the date of receipt of a certified copy of this order, and shall continue to pay rent for every succeeding months, without any default;

(iii) Needless to say, in the event of the respondent-tenant in

the Rent Control Petition failing to comply with any one of the conditions stated above, the time limit granted by this order to surrender vacant possession of the petition schedule shop rooms will stand cancelled automatically and the petitioner-landlord will be at liberty to proceed with the execution of the order of eviction. Sd/- ANIL K. NARENDRAN, JUDGE Sd/- P.G. AJITHKUMAR, JUDGE

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