

Tomy J.Cherkkott vs V.P.Sumithran

Tomy J.Cherkkott vs V.P.Sumithran

SooperKanoon Citation : sooperkanoon.com/1460117

Court : Kerala

Decided On : Sep-29-2022

Judge : Honourable Mr. Justice a.Muhammed Mustaque,Honourable Mrs. Justice Shoba Annamma Eapen

Appeal No. : OP (RC)/56/2022

Appellant : Tomy J.Cherkkott

Respondent : V.P.Sumithran

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN THURSDAY, THE 29TH DAY OF SEPTEMBER 2022 / 7TH ASWINA, 1944 OP (RC) NO. 48 OF 2022 [AGAINST THE ORDER DTD.28.1.22 IN IA 108/2020 IN RCP 37/2018 OF RENT CONTROL [MUNSIFF]COURT, PAYYANNUR]

PETITIONERS/PETITIONERS: 1 TOMY J CHERKKOTT, AGED 57 YEARS S/O JOSEPH, PARTNER, ARCHANA BAR, MAIN ROAD, PAYYANNUR - 670307, KANNUR DISTRICT RESIDING AT EZHOM,

TALIPARAMBA P.O., PIN 670 141, KANNUR DISTRICT 2 ELAMMA PARAKKATTEL, AGED 65 YEARS W/O JOHN KALLATT, PARTNER, ARCHANA BAR, PAYYANNUR- 670 307, KANNUR DISTRICT, RESIDING AT EZHOM, TALIPARAMBA P.O, KANNUR DISTRICT, PIN 670 141. BY ADVS. M.SASINDRAN SATHEESHAN ALAKKADAN RESPONDENTS/RESPONDENTS: 1 M.M. ABDUL SATHAR, S/O ABDULLA, ROOM NO.P.M.C.XXI/1929, SHOE CENTER, DWARAKA TOURIST HOME, PAYYANNUR - 670307, KANNUR DISTRICT 2 M.M.KUNJABDULLA S/O MAYI HAJI, ROOM NO. P.M.C XXI/ 1929, SHOE CENTER, DWARAKA TOURIST HOME, PAYYANNUR - 670307, KANNUR DISTRICT 3 A.V.MUHAMMED RAFEEQUE (DIED) X 4 A.P.MUKTHAR :-2-: S/O MUHAMMAD, ROOM NO. P.M.C XXI/1929, SHOE CENTER, DWARAKA TOURIST HOME, PAYYANNUR - 670307, KANNUR DISTRICT 5 M.V.C AYISHA AGED 53 YEARS W/O LATE A.V.MUHAMMAD RAFEEQUE, M.V.C MANZIL, NEAR P.M.G.HOSPITAL, PADANNA, PADANNA VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT, PIN 671312 6 M.V.C SHUROOR AGED 19 YEARS S/O LATE A.V.MUHAMMAD RAFEEQUE, M.V.C MANZIL, NEAR P.M.G.HOSPITAL, PADANNA, PADANNA VILLAGE, HOSDURG TAUk, KASARAGOD DISTRICT, PIN 671 312

7 M.V.C. SHUHAIB, AGED 16 YEARS S/O LATE A.V. MUHAMMAD RAFEEQUE, MINOR, REPRESENTED BY GUARDIAN MOTHER-M.V.C. AYISHA M.V.C. MANZIL, NEAR P.M.G. HOSPITAL, PADANNA, PADANNA VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT, PIN 671 312. 8 M.V.C.SHUBAIBA, AGED 13 YEARS,D/O.LATE A.V.MUHAMMAD RAFEEQUE, MINOR, REPRESENTED BY GUARDIAN MOTHER-M.V.C.AYISHA, M.V.C.MANZIL, NEAR P.M.G.HOSPITAL, PADANNA, PADANNA VILLAGE, HOSDURG TALUK, KASARAGOD DISTRICT, PIN-671 312. BY ADVS. GEORGE MATHEWS M.M.ANTO(K/320/1979) THIS OP (RENT CONTROL) HAVING COME UP FOR ADMISSION ON 29.09.2022, ALONG WITH OP (RC).70/2022, 54/2022 AND CONNECTED CASES, THE COURT

ON THE SAME DAY DELIVERED THE FOLLOWING: :-3-:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN THURSDAY, THE 29TH DAY OF SEPTEMBER, 2022/7TH ASWINA, 1944 OP (RC) NO. 70 OF 2022 [AGAINST THE ORDER DTD.28.1.2022 IN IA 96/2020 IN RCP 39/2018 OF RENT CONTROL [MUNSIFF] COURT], PAYYANNUR]

PETITIONERS/PETITIONERS: 1 TOMY J. CHERKKOTT AGED 57 YEARS S/O JOSEPH, PARTNER, ARCHANA BAR, MAIN ROAD, PAYYANNUR-670 307, KANNUR DISTRICT, RESIDING AT EZHOM, TALIPARAMBA P.O.,PIN-670 141, KANNUR DISTRICT 2 ELAMMA PARAKKATTEL, AGED 65 YEARS W/O JOHN KALLATT, PARTNER, ARCHANA BAR, PAYYANNUR- 670 307, KANNUR DISTRICT, RESIDING AT EZHOM, TALIPARAMBA P.O.PIN-670 141, KANNUR DISTRICT BY ADVS. M.SASINDRAN SATHEESHAN ALAKKADAN RESPONDENTS/RESPONDENTS: 1 SIYALI MUHAMMED, AGED 56 YEARS, S/O T.K. ABDULLA HAJI, ROOM NO PMC XX1/1938, DWARAKA TOURIST HOME, PAYYANNUR-670 307, KANNUR DISTRICT 2 NAJEEV ASEEZ, PROPRIETOR, GRACE MOBILE SHOP, ROOM NO. PMC XX1/1938, DWARAKA TOURIST HOME, PAYYANNUR, PIN-670 307, KANNUR DISTRICT. THIS OP (RENT CONTROL) HAVING COME UP FOR ADMISSION ON 29.09.2022, ALONG WITH OP (RC).48/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :-4-:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN THURSDAY, THE 29TH DAY OF SEPTEMBER

2022 / 7TH ASWINA, 1944 OP (RC) NO. 54 OF 2022 [AGAINST THE ORDER DTD.28.01.2022 IN IA NO.112/2020 IN RCP 41/2018 OF RENT CONTROL [MUNSIFF]COURT, PAYYANNUR]

PETITIONERS/PETITIONERS: 1 TOMY J CHERKKOTT AGED 57 YEARS S/O JOSEPH, PARTNER, ARCHANA BAR, MAIN ROAD, PAYYANNUR 670 307, KANNUR DISTRICT, RESIDING AT EZHOM, TALIPARAMBA P.O, KANNUR DISTRICT., PIN - 2 ELAMMA PARAKKATTEL, AGED 65 YEARS W/O JOHN KALLATT, PARTNER, ARCHANA BAR, PAYYANNUR- 670 307, KANNUR DISTRICT RESIDING AT EZHOM, TALIPARAMBA P.O, KANNUR DISTRICT PIN 670 141. BY ADV M.SASINDRAN RESPONDENT/RESPONDENT: V.P.KAMALAKSHAN AGED 55 YEARS S/O KUNHIRAMA PODUVAL ROOM NO. P.M.C. XXI/1942, KAMALAKSHAN STORES, DWARAKA TOURIST HOME, P.O. PAYYANNUR, KANNUR DISTRICT., PIN - 670307 BY ADV MAHESH V RAMAKRISHNAN THIS OP (RENT CONTROL) HAVING COME UP FOR ADMISSION ON 29.09.2022, ALONG WITH OP (RC).48/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :-5-:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN THURSDAY, THE 29TH DAY OF SEPTEMBER 2022 / 7TH ASWINA, 1944 OP (RC) NO. 55 OF 2022 AGAINST THE ORDER IN IA 109/2020 IN RCP 40/2018 OF RENT CONTROL (MUNSIFF) COURT, PAYYANNUR]

PETITIONERS/PETITIONERS: 1 TOMY .J. CHERKKOTT, AGED 57 YEARS S/O. JOSEPH, PARTNER, ARCHANA BAR, MAIN ROAD, PAYYANNUR 670 307 KANNUR DISTRICT, RESIDING AT EZHOM, TALIPARAMBA P.O., PIN-670 141, KANNUR DISTRICT. 2 ELAMMA PARAKKATTEL, AGED 65 YEARS W/O. JOHN KALLATT, PARTNER,

ARCHANA BAR, PAYYANNUR 670 307 KANNUR DISTRICT, RESIDING AT EZHOM, TALIPARAMBA P.O., 670 141, KANNUR DISTRICT. BY ADVS. M.SASINDRAN SATHEESHAN ALAKKADAN RESPONDENT/RESPONDENT: V.P.SUMITHRAN, AGED 54 YEARS S/O. PADMINI AMMA, ROOM NO. XXI/1945, SREESHAKTHI METALS, DWARAKA TOURIST HOME, P.O.PAYYANNUR, KANNUR DISTRICT, PIN- 670 307. BY ADV MAHESH V RAMAKRISHNAN :-6-: THIS OP (RENT CONTROL) HAVING COME UP FOR ADMISSION ON 29.09.2022, ALONG WITH OP (RC).48/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :-7-:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN THURSDAY, THE 29TH DAY OF SEPTEMBER 2022 / 7TH ASWINA, 1944 OP (RC) NO. 56 OF 2022 AGAINST THE ORDER DTD.28.01.2022 IN IA 113/2020 IN RCP 42/2018 OF RENT CONTROL[MUNSIFF] COURT, PAYYANNUR

PETITIONERS/PETITONERS: 1 TOMY J.CHERKKOTT AGED 57 YEARS S/O JOSEPH, PARTNER, ARCHANA BAR, MAIN ROAD, PAYYANNUR-670 307, KANNUR DISTRICT, RESIDING AT EZHOM, TALIPARAMBA P.O.,PIN 670 141, KANNUR DISTRICT 2 ELAMMA PARAKKATTEL, AGED 65 YEARS, W/O JOHN KALLATT, PARTNER, ARCHANA BAR, PAYYANNUR- 670 307, KANNUR DISTRICT, RESIDING AT EZHOM, TALIPARAMBA P.O.KANNUR DISTRICT, PIN- 670 141 BY ADVS. M.SASINDRAN SATHEESHAN ALAKKADAN RESPONDENT/RESPONDENT: V.P.SUMITHRAN, AGED 54 YEARS, S/O PADMINI AMMA, ROOM NO PMC XXI/1944, SREESHAKTHI METALS, DWARAKA TOURIST HOME, P.O.PAYYANNUR, KANNUR DISTRICT, PIN-670 307 BY ADV MAHESH V RAMAKRISHNAN THIS OP (RENT CONTROL) HAVING COME UP FOR ADMISSION ON

29.09.2022, ALONG WITH OP (RC).48/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :-8-:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN THURSDAY, THE 29TH DAY OF SEPTEMBER 2022 / 7TH ASWINA, 1944 OP (RC) NO. 58 OF 2022 [AGAINST THE ORDER DTD.28.1.2022 IN IA 111/2020 IN RCP NO.35/2018 OF RENT CONTROL (MUNSIFF) COURT, PAYYANNUR] PETITIONERS/PETITONERS: 1 TOMY J.CHERKKOTT AGED 57 YEARS S/O. JOSEPH, PARTNER, ARCHANA BAR, MAIN ROAD, PAYYANNUR - 670307, KANNUR DISTRICT, RESIDING AT EZHOM, TALIPARAMBA P.O, PIN - 670141, KANNUR DISTRICT. 2 ELAMMA PARAKKATTEL AGED 65 YEARS W/O. JOHN KALLATT, PARTNER, ARCHANA BAR, PAYYANNUR - 670307, KANNUR DISTRICT, RESIDING AT EZHOM, TALIPARAMBA P.O, PIN - 670141, KANNUR DISTRICT. BY ADVS. M.SASINDRAN SATHEESHAN ALAKKADAN RESPONDENT/RESPONDENT: S.K.P.ABDUL KHADER AGED 63 YEARS ROOM NO. XXI/1940, MANAGING PARTNER, CENTRAL HARDWARES, DWARAKA TOURIST HOME P.O, PAYYANNUR, PIN - 670307, KANNUR DISTRICT. BY ADV MAHESH V RAMAKRISHNAN THIS OP (RENT CONTROL) HAVING COME UP FOR ADMISSION ON 29.09.2022, ALONG WITH OP (RC).48/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :-9-:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN THURSDAY, THE 29TH DAY OF SEPTEMBER

2022 / 7TH ASWINA, 1944 OP (RC) NO. 64 OF 2022 [AGAINST THE ORDER DTD.28.1.2022 IN IA NO.115/2020 IN RCP 43/2018 OF RENT CONTROL (MUNSIFF) COURT, PAYYANNUR] PETITIONERS/PETITIONERS: 1 TOMY J CHERKKOTT AGED 57 YEARS S/O. JOSEPH, PARTNER, ARCHANA BAR, MAIN ROAD, PAYYANNUR-670 307, KANNUR DISTRICT, RESIDING AT EZHOM, TALIPARAMBA P.O., PIN-670 141, KANNUR DISTRICT. 2 ELAMMA PARAKKATTEL, AGED 65 YEARS, W/O.JOHN KALLATT, PARTNER, ARCHANA BAR, MAIN ROAD, PAYYANNUR-670 307, KANNUR DISTRICT, RESIDING AT EZHOM, TALIPARAMBA P.O., PIN-670 141, KANNUR DISTRICT. BY ADVS. M.SASINDRAN SATHEESHAN ALAKKADAN RESPONDENT/RESPONDENT: T.C.NOORUDHEEN, AGED 59 YEARS, S/O. HAMZA HAJI, ROOM NO.PMC XXI/1329, ARAFATH STORES, DWARAKA TOURIST HOME, PAYYANNUR-670 307, KANNUR DISTRICT BY ADV T.P.SAJID THIS OP (RENT CONTROL) HAVING COME UP FOR ADMISSION ON 29.09.2022, ALONG WITH OP (RC).48/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :-10:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN THURSDAY, THE 29TH DAY OF SEPTEMBER 2022 / 7TH ASWINA, 1944 OP (RC) NO. 60 OF 2022 [AGAINST THE ORDER DTD.28.01.2022 IN IA 110/2020 IN RCP 44/2018 OF RENT CONTROL (MUNSIFF) COURT, PAYYANNUR] PETITIONERS/PETITIONERS: 1 TOMY J CHERKKOTT AGED 57 YEARS S/O JOSEPH,PARTNER, ARCHANA BAR, MAIN ROAD, PAAYYANNUR-670 307, KANNUR DISTRICT, RESIDING AT EZHOM, TALIPARAMBA P.O.PIN-670 141, KANNUR DISTRICT 2 ELAMMA PARAKKATTEL, AGED 65 YEARS W/O JOHN KALLATT, PARTNER, ARCHANA BAR, PAYYANNUR- 670 3017, KANNUR DISTRICT,

RESIDING AT EZHOM, TALIPARAMBA P.O.KANNUR DISTRICT, PIN-670 141 BY ADVS. M.SASINDRAN SATHEESHAN ALAKKADAN RESPONDENT/RESPONDENT: KHALEEL BAPPI, AGED 34 YEARS, S/O RASHEEDA, ROOM NO PMC-XXX1/1936, NOKIA STAR MOBILE, DWARAKA TOURIST HOME, PAYYANNUR-670 307. BY ADV V.N.RAMESAN NAMBISAN THIS OP (RENT CONTROL) HAVING COME UP FOR ADMISSION ON 29.09.2022, ALONG WITH OP (RC).48/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :-11:-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN THURSDAY, THE 29TH DAY OF SEPTEMBER 2022 / 7TH ASWINA, 1944 OP (RC) NO. 62 OF 2022 [AGAINST ORDER DTD.28.1.2022 IN IA NO.105/2020 IN RCP 31/2018 OF RENT CONTROL (MUNSIFF) COURT, PAYYANNUR]

PETITIONERS/PETITIONERS: 1 TOMY.J.CHERKKOTT, AGED 57 YEARS S/O.JOSEPH, PARTNER, ARCHANA BAR, MAIN ROAD, PAYYANNUR-670 307, KANNUR DISTRICT, RESIDING AT EZHOM, TALIPARAMBA P.O., PIN-670 141, KANNUR DISTRICT. 2 ELAMMA PARAKKATTEL, AGED 65 YEARS W/O.JOHN KALLATT, PARTNER, ARCHANA BAR, MAIN ROAD, PAYYANNUR-670 307, KANNUR DISTRICT, RESIDING AT EZHOM, TALIPARAMBA P.O., KANNUR DISTRICT, PIN-670 141. BY ADVS. M.SASINDRAN SATHEESHAN ALAKKADAN

RESPONDENTS/RESPONDENTS: 1 ULLITHURUTHUMMAL KHADEEJA, AGED 63 YEARS W/O.LATE MULLANTAKATH ABDULLA, RESIDING AT RAMANTHALI AMSOM, VADAKKUMBAD DESOM, PAYYANNUR TALUK, KANNUR DISTRICT, PIN-670 308. 2 ULLITHURUTHUMMAL SUBAIDA, AGED 48 YEARS D/O.LATE MULLANKTAKATH ABDULLA, RESIDING AT RAMANTHALI AMSOM, VADAKKUMBAD DESOM, PAYYANNUR :-12:- TALUK,

KANNUR DISTRICT, PIN-670 308. 3 ULLITHURUTHUMMAL RASHEEDA, AGED 44 YEARS D/O.LATE MULLANKTAKATH ABDULLA, RESIDING AT RAMANTHALI AMSOM, VADAKKUMBAD DESOM, PAYYANNUR TALUK, KANNUR DISTRICT, PIN-670 308. 4 ULLITHURUTHUMMAL ABIDA, AGED 42 YEARS D/O.LATE MULLANKTAKATH ABDULLA, RESIDING AT RAMANTHALI AMSOM, VADAKKUMBAD DESOM, PAYYANNUR TALUK, KANNUR DISTRICT, PIN-670 308. 5 ULLITHURUTHUMMAL SAINUL ABID, AGED 37 YEARS S/O.LATE MULLANKTAKATH ABDULLA, RESIDING AT RAMANTHALI AMSOM, VADAKKUMBAD DESOM, PAYYANNUR TALUK, KANNUR DISTRICT, PIN-670 308. BY ADV V.N.RAMESAN NAMBISAN THIS OP (RENT CONTROL) HAVING COME UP FOR ADMISSION ON 29.09.2022, ALONG WITH OP (RC).48/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :-13-:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAEMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN THURSDAY, THE 29TH DAY OF SEPTEMBER 2022 / 7TH ASWINA, 1944 OP (RC) NO. 63 OF 2022 [AGAINST ORDER DTD.28.1.2022 IN IA 106/2020 IN RCP 34/2018 OF RENT CONTROL (MUNSIFF) COURT, PAYYANNUR]

PETITIONERS/PETITIONERS: 1 TOMY J CHERKKOTT AGED 57 YEARS S/O. JOSEPH, PARTNER, ARCHANA BAR, MAIN ROAD, PAYYANNUR-670 307, KANNUR DISTRICT, RESIDING AT EZHOM, TALIPARAMBA P.O., PIN-670 141, KANNUR DISTRICT 2 ELAMMA PARAKKATTEL, AGED 65 YEARS, W/O. JOHN KALLATT, ARCHANA BAR, MAIN ROAD, PAYYANNUR-670 307, KANNUR DISTRICT, RESIDING AT EZHOM, TALIPARAMBA P.O., KANNUR DISTRICT PIN-670 141. BY ADVS. M.SASINDRAN SATHEESHAN ALAKKADAN RESPONDENT/RESPONDENT: KURUPPILLATH AHAMMED, AGED

56 YEARS, S/O. ABDUL RAHMAN, ROOM NO.PMC XXI/1932, DUBAI BAZAR, DWARAKA TOURIST HOME, PAYYANNUR-670 307, KANNUR DISTRICT BY ADVS. VIMAL VIJAY PUSHPARAJAN KODOTH(K/000456/1987) K.JAYESH MOHANKUMAR(J-511) :-14-: VANDANA MENON(K/153/2007) THIS OP (RENT CONTROL) HAVING COME UP FOR ADMISSION ON 29.09.2022, ALONG WITH OP (RC).48/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :-15-:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN THURSDAY, THE 29TH DAY OF SEPTEMBER 2022 / 7TH ASWINA, 1944 OP (RC) NO. 65 OF 2022 [AGAINST THE ORDER DTD.28.01.2022 IN IA NO.114/2020 IN RCP

PETITIONERS/PETITIONERS: 1 TOMY J.CHERKKOTT AGED 57 YEARS S/O. JOSEPH, PARTNER, ARCHANA BAR, MAIN ROAD, PAYYANNUR-670 307, KANNUR DISTRICT, RESIDING AT EZHOM, TALIPARAMBA P.O., PIN-670 141, KANNUR DISTRICT 2 ELAMMA PARAKKATTEL, AGED 65 YEARS W/O. JOHN KALLAT, PARTNER, ARCHANA BAR, MAIN ROAD, PAYYANNUR-670 307, KANNUR DISTRICT, RESIDING AT EZHOM, TALIPARAMBA P.O., PIN-670 141, KANNUR DISTRICT BY ADVS. M.SASINDRAN SATHEESHAN ALAKKADAN RESPONDENTS/RESPONDENTS/RESPONDENTS: 1 ABDUL SALAM, AGED 73 YEARS, S/O. KUNHAMINA, ROOM NO.PMC XXI/1930, DWARAKA TOURIST HOME, PAYYANNUR-670 307, KANNUR DISTRICT 2 ABID, ROOM NO.PMC XXI/1930 , DWARAKA TOURIST HOME, PAYYANNUR-670 307,KANNUR DISTRICT THIS OP (RENT CONTROL) HAVING COME UP FOR ADMISSION ON 29.09.2022, ALONG WITH OP (RC).48/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :-16-:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN THURSDAY, THE 29TH DAY OF SEPTEMBER 2022 / 7TH ASWINA, 1944 OP (RC) NO. 67 OF 2022 [AGAINST THE ORDER DTD.28.1.2022 IN IA NO.107/2020 IN RCP NO.

PETITIONERS/PETITIONERS: 1 TOMY J CHERKKOTT AGED 57 YEARS S/O. JOSEPH, PARTNER, ARCHANA BAR, MAIN ROAD, PAYYANNUR 670 307, KANNUR DISTRICT, RESIDING AT EZHOM, TALIPARAMBA P.O, PIN 670 141, KANNUR DISTRICT 2 ELAMMA PARAKKATTEL, AGED 65 YEARS, W/O.JOHN KALLATT, PARTNER, ARCHANA BAR, PAYYANNUR 670 307, KANNUR DISTRICT, RESIDING AT EZHOM, TALIPARAMBA P.O, PIN 670 141, KANNUR DISTRICT. BY ADVS. M.SASINDRAN SATHEESHAN ALAKKADAN RESPONDENT/RESPONDENT: MELETH SURESH, AGED 57 YEARS, S/O. CHANDRASEKHARAN NAIR, ROOM NO PMC XXI/1931, SHANMUGHA STORES, DWARAKA TOURIST HOME, PAYYANNUR 670 307, KANNUR DISTRICT. BY ADVS. Thayyib Sha P S NIVED K.V(K/1412/2019) ADEEB KAMAL P.N.(K/000206/2020) :-17-: THIS OP (RENT CONTROL) HAVING COME UP FOR ADMISSION ON 29.09.2022, ALONG WITH OP (RC).48/2022 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :-18-:

JUDGMENT 'C.R.'

Shoba Annamma Eapen, J: The common question involved in all these Original Petitions (Rent Control) is whether the Rent Control Court exercising jurisdiction under the Kerala Buildings (Lease and Rent Control) Act, 1965 (hereinafter referred to as 'the Act') has jurisdiction to amend the pleadings in the Rent Control Petition on the application of the petitioners/landlords.

2. With regard to the said question, we may refer to essential facts. We will refer to the parties according to their status in the Rent Control Petition.

3. The petitioners are the owners of the building wherein the

petition scheduled shop rooms are situated. The Rent Control Petitions are filed seeking eviction of the respondents under Sections 11(4)(i) and 11(8) of the Act. The petitioners are the landlords and the respondents are the tenants.

4. The original petitions are filed against the orders dated

28.1.2022 in I.A.Nos.108/2020 in R.C.P.No.37/2018, 112/2020 in RCP No.41/2018, 109/2020 in R.C.P.No.40/2018, 113/2020 in :-19-: R.C.P.No.42/2018, 111/2020 in RCP No.35/2018, 110/2020 in RCP No.44/2018,105/2020 in RCP No.31/2018,106/2020 in RCP No.34/2018,115/2020 in RCP No.43/2018, 114/2020 in RCP No.38/2018, 107/2020 in RCP No.29/2018 and 96/2020 in RCP No.39/2018 on the files of the Rent Control Court (Munsiff), Payyannur filed by the landlords, for amendment of the Rent Control Petitions. The respondents are the tenants. The petitions were dismissed by the Rent Control Court as not maintainable. Aggrieved by the said orders, the petitioners have filed these original petitions. Since all these matters are interlinked and are of the same issue, we have heard the petitions together and are being disposed of by this common judgment.

5. The petitioners/landlords are the absolute owners of

'Dwaraka Tourist Home' obtained by them as per Sale Deed No.3347 of 2012 of the S.R.O., Payyannur. The rooms in the building were let out to different tenants. The landlords were conducting bar attached hotel from 1982 in the building, when the ownership was in the hands of the previous owners. The running of bar attached hotel was continued by the landlords, after purchase of the property by them in :-20-: the year 2012. During 2014, the Government of Kerala declared a new Abkari policy cancelling the licence of all bar hotels except the bar in five star hotels. The landlords had to stop the bar which was conducted in the portion of the building. Subsequently, in 2015, Government of Kerala amended the Abkari Policy

and granted licence to the landlords to conduct wine and beer parlour in the portion possessed by the landlords. The Government again amended the policy restoring all the bars which situate 500 meters away from National Highways and State Highways which have three star classifications and facilities. There are other two bar hotels in Payyannur. In order to compete with them and to restore the three star classification, the petitioners have to provide more facilities such as separate vegetarian and non-vegetarian restaurants, separate lobbies on the ground floor and first floor, separate executive bar, coffee bar, gift shop, conference hall and several other modern facilities and bonafidely require the petition schedule rooms in the possession of the tenants and hence filed the Rent Control Petitions seeking eviction of the respondents under Section 11(4)(i) and 11(8) of the Act. :-21-:

6. After filing of the Rent Control Petitions, the landlords got

three star classification bar licence to the rooms in possession of the landlords. The learned counsel for the petitioners/landlords submits that though the landlords obtained three star classification bar licence, in order to compete with other bar hotels, the petitioners require bar attached restaurants and other facilities for conducting the business. To expand the business, the petitioners require restaurant, local bar, executive bar, banquet hall, reception etc, on the ground floor. Since, the three star classification bar licence was obtained after filing of the rent control petitions, the landlords filed Ext.P3 application under Order VI Rule 17 of the Civil Procedure Code, to amend the Rent Control Petitions, by incorporating the pleadings with regard to the additional requirements.

7. The tenants filed counter affidavits against Ext.P3

amendment petitions contending that the scope of S.23(1)(j) of the Act is limited to amend any defect or error in the petition and beyond that the amendment is not permissible. They further contended that since the landlords have obtained three star classification bar licence, without the petition schedule rooms, no other requirements as sought :-22-: by the landlords are necessary.

8. On hearing both sides, the Rent Control Court dismissed the

amendment petitions holding that the applications filed by the petitioners for incorporating additional pleadings like obtaining bar licence and three star classification by altering hotel rooms etc. cannot be considered as curing defects or errors as contemplated under S.23(1)(j) of the Act. The dismissal of the amendment petitions by the Rent Control Court is challenged in these original petitions.

9. We have heard the learned counsel appearing for the landlords and the learned counsel appearing for the tenants.

10. Firstly, the amendment sought for by the landlords can be looked into. It is as follows:

6. 13(A) Since the rent control petitions for eviction were prolonging for the last more than one year, these petitioners provided facilities technically required for getting three star classification in the available space in the possession of the petitioners in the 1st and 2nd floor of the hotel building. The non-vegetarian restaurant is provided in the 2 nd floor. The reception lobby, board rooms and banquet hall are provided in the 1st floor converting the space of about 25 hotel rooms. The petitioners could not provide a ground floor reception and lobby, family vegetarian restaurant, a family non-vegetarian restaurant, a business center, coffee shop etc. since the ground floor rooms are in the possession of different tenants including the petitioner. If all those facilities are not provided in the ground floor, these petitioners cannot get any hotel business and they will have to run the hotel at a loss.

7. In addition to the above amendment, it is also :-23-:

proposed that will have in para 13 to be struck off and to that place add had and in para 14 in the first line 'two' to be struck off and to substitute with 'three'.

11. The Rent Control Court, after consideration of the entire

facts, came to the conclusion that the matters sought to be amended, would not come under the 'error' or 'omission' and such amendment cannot be allowed in the Rent Control Petition in exercise of the inherent powers under S.151 or Order VI Rule 17 of the Code of Civil Procedure. It was also found that the grounds available for amendment under Order VI Rule 17 of the Code of Civil Procedure are more wider than the grounds provided under Sec.23(1)(j) of the Act. But in view of the rigour under S.23(1)(j) of the Act, such grounds available under Order VI Rule 17 of the Code of Civil Procedure cannot be invariably applied in Rent Control Petitions filed under the Act. It was also found that the need for the petition schedule rooms for providing facilities on the ground floor are already incorporated in the Rent Control Petitions and hence even without amendment, the petitioners can go ahead with the bona fide need for the petition schedule rooms for personal use. The Rent Control Court, while dismissing the amendment petitions, relied on the decisions in Lalitha R.Prabhu v. Krishna alias Lakshmi Bai (1967 KLJ 275), :- 24-: E.K.Ibrahim v. Joseph (1975 KLT 167), Abdulla v. Rent controller (1984 KHC 357) and M. Abdul Kareem v. P. Muhammed Shafi [2017(2) KHC 820] .

12. The learned counsel for the landlords submitted that the

applications were filed by the landlords under Order VI Rule 17 of Code of Civil Procedure Code. The additional pleadings now sought to be amended are not contrary to the facts narrated in the petition. They are only supporting factors of the petitioners. It is only an elaborate version of the contentions in the Rent Control Petitions. The learned Counsel for the petitioners/landlords relied on the following judgments reported in Kooleri Padinjare Veetil Narayanan v. Nalupurappattil Tahira [2009 (3) KHC 591], Krishna Iyer.T.V. v. Abdul Rasheed (2015 (1) KLT 511), Om Prakash Gupta v. Ranbir.B.Goyal [(2002) 2 SCC 256] and Chandran v. Sunil Kumar (2004 (3) KLT 420). Placing reliance on the judgments, it was submitted that the petitions may be allowed.

13. The learned counsel for the respondents/tenants

submitted that the petitions are not maintainable since the scope of S.23(1)(j) of the Act is limited to amend any defect or error in the :-25-: petition and anything beyond that amendment is not possible. It was further submitted that the Rent

Control Court cannot exercise a jurisdiction which is not provided in any of the clauses (a) to (k) in sub-section (1) of S.23 and if amendment is allowed it would weaken the defence and would cause hardship to the tenants. Further, it was submitted that the landlords cannot be allowed to raise new grounds for eviction by way of amendment of the Rent Control Petitions and that the Rent Control Court has rightly exercised its powers by dismissing the petitions for amendment. In support of their contentions, they relied on the judgments reported in Lalitha R.Prabhu v. Krishna alias Lakshmi Bai (1967 KLJ 275), E.K.Ibrahim v. Joseph (1975 KLT 167), Abdulla v. Rent Controller (1984 KLJ 665), Anandan v. Soumini (1991 (1) KLT 53), Ramanath Haneefa v. Hamsa (1997 (2) KLJ 197), Abdul Kareem M. v. P.Muhammed Shafi (2017 (2) KHC 820) (DB), Krishna Iyer T.V. v. Abdul Rasheed (2015(1) KLT 511) (DB) and Janaki Amma and another v. Bhaskaran Nambiar (2014 (4) KHC 602) (DB). The learned counsel appearing for the tenants placing reliance on these judgments opposed the contentions of the landlords. :-26-:

14. The question is whether the provision under Section

23(1)(j) of the Act is applicable for amendment of pleadings in the Rent Control Petitions. For deciding the same, it will be better to extract Section 23(1) of the Act . It reads as follows:

23. Summons etc. - (1) Subject to such conditions and limitations as may be prescribed, the Accommodation Controller, the Rent Control Court, and the appellate authority shall have the powers which are vested in a court under the Code of Civil Procedure, 1908(5 of 1908), when trying a suit in respect of the following matters:-

(a) discovery and inspection;

(b) enforcing the attendance of witnesses and requiring the deposits of their expenses;

(c) compelling the production of documents;

- (d) examining witnesses on oath;
- (e) granting adjournments;
- (f) reception of evidence taken on affidavit;
- (g) issuing commission for the examination of witnesses and for local inspection;
- (h) setting aside ex parte orders;
- (i) enlargement of time originally fixed or granted;
- (j) power to amend any defect or error in orders or proceedings, and
- (k) power to review its own order.

15. Section 23(1) of the Act has sub clause (i) to (k). Sub

Section (1) of Section 23 provides that the Rent Control Court and :-27-: the Appellate Authority shall have the powers which are vested in a Court under the Code of Civil Procedure while trying a suit in respect of matters mentioned in clauses (a) to (k). Section 23 does not bar the exercise of any other power by the Rent Control Court under the Code of Civil Procedure. The fact that certain powers are specified in Section 23, does not mean that the Rent Control Court lacks the inherent power to do substantial justice between the parties and to decide the matter before it in a proper manner. In the decision reported in Cheru Ouseph v. Kunjipathumma (1981 KLT 495), the question considered was whether the Rent Control Court has jurisdiction to restore a rent control petition which was dismissed for default. Answering in the affirmative, it was held thus:

5..... A new system of dispensation of justice has thus been growing up, even overshadowing the ordinary courts in its reach and range; and in such a situation, is it wise or useful to still adhere to the theory that tribunals are little bodies with only some of the powers of a court, if at all granted by the legislature ? If they are equally important as the courts of the land by reason of their discharging the same functions

though in their respective specialised fields, why should they be denied the powers ordinarily available to courts, so long as such powers are not specifically denied to them by the statutes, in the matter of administering justice?

6. This is not to say that the difference between tribunals

and courts could or should be ignored, but to suggest that the traditional approach to the question of the tribunals' powers requires reconsideration if their usefulness is not to be belittled. :-28-: xxxxx xxxxx xxxxxxxx

12. What, after all, is the inherent power saved by S.151

of the Code of Civil Procedure? A court is constituted for doing justice and must be deemed to possess all powers as may be necessary to do the right and undo wrongs in the course of administration of justice. Of course, the court must have jurisdiction over the proceedings before it can exercise the inherent power; but when that is granted, its power to advance the cause of justice by relying on unenumerated powers --on inherent or residuary power, as it is often called -- cannot be denied to it, And therefore, where a tribunal exercises the same kind of power i.e. part of the judicial power of the State, as the Supreme Court has observed, why should it be denied similar inherent or residuary powers? If you do not like the name, call it by another; but so long as the tribunal is deciding legal disputes and determining the rights of citizens as any other court, you cannot, without endangering its efficiency, deny to it all powers which are necessary for the administration of justice.....

13. I would therefore say, as indicated by the Supreme

Court in Dhani Devi's case (AIR 1970 SC 759), that in respect of procedural matters, all powers which are not specifically denied by the statute or the statutory rules, should be vouchsafed to a tribunal so that it may effectively exercise its judicial function.

16. In the decision reported in Mohan v. Jayaprakash

[2013(2)KLT 260] (DB), this Court considered the question whether Rent Control Court has jurisdiction to add an additional respondent in the Rent Control Petition on the application of the landlord, which is

otherwise not provided under the provisions of the Act. It was held

that in respect of a procedural matter, any Court or Tribunal would have inherent power to allow any application which it considers :-29-: necessary for proper adjudication of the dispute and for the effective disposal of the case. The power is so inherent that it need not be specifically conferred. So long as there is no prohibition under the Rent Control Act, the jurisdiction of the Rent Control Court takes in inherent power as well.

17. The learned counsel appearing for the tenants relied on the

decision rendered by this Court in Abdul Kareem v. Muhammed Shafi (2017 (2) KLT 645). The Court held that on a cursory reading of the aforesaid provision itself, it could be seen that, the amendment to the Rent Control Petition, after filing the same is permissible, where there is any defector error only in the Rent Control Petition. It follows that according to the Kerala Buildings (Lease and Rent Control) Act, the amendment to the Original Petition cannot be allowed, unless the matters sought to be incorporated, by way of amendment, fall under defect or error.

18. In Mukri Gopalan v. Cheppilat Puthanpurayil

Aboobacker (AIR 1995 SC 2272], the Apex Court while considering the question whether the appellate authority under Section 18 of the Rent Control Act has the power to condone delay in filing appeal after :-30-: expiry of period of limitation or rather whether S.29(2) of the Limitation Act would apply to such proceedings, held that appellate authority under Section 18 of the Rent Control Act is a Court and therefore Limitation Act would apply.

19. In Ratheesh v. A.M.Chacko & Another [2018 (4) KLT

Online 2055], a Division Bench of this Court had held that S.5 of the Limitation Act, 1963 is not applicable to proceedings before the Rent Control Court under the Kerala Buildings (lease and Rent Control) Act, 1965. Another Division Bench, in the reference order [Faisal v. Vikas Chacko [2019 (3) KLT 760], doubted the correctness of Ratheesh (supra), and referred the matter to Full Bench. The Full Bench, while

answering the above reference regarding the correctness of judgment

in Ratheesh (supra), held that the Rent Control Court has the power to condone delay under Section 5 of the Limitation Act and further

held that Rent Control Court is not a persona designata, it is a court

and in the absence of any express exclusion, Section 29(2) of the Limitation Act applies [See Faisal v.Vikas Chacko [2020 (6) KLT 722 (FB)].

20. Section 23(1)(j) speaks only about the power to amend

any defect or error in orders or proceedings. It is not meant for :-31-: amendment of pleadings. Power to amend the pleadings is an inherent power and the Rent Control Court has power to amend the pleadings unless it is not specifically excluded and the said power cannot be derived out from Section 23(1)(j) of the Act . We are of the view that, the judgment rendered in Abdul Kareem (supra) is not a good law, since while deciding the case, this Court failed to notice the

judgment rendered by this court in Mohan (supra) that so long as

there is no prohibition under the Rent Control Act, the jurisdiction of the Rent Control Court takes in inherent powers as well. As held by the Full Bench of this Court in Faisal (Supra), it is clear that in the absence of any express exclusion in Section 23 of the Act, the Rent Control Court can exercise its inherent power to allow the petition for amendment of pleadings. Section 23 does not bar the

exercise of any other powers by the Rent Control Court. Of course, the court must have jurisdiction over the proceedings, before it can exercise the inherent power; but when it is granted, its power to advance the cause of justice by relying on unenumerated powers--on inherent or residuary power, as it is often called--cannot be denied to it. There shall always be an inherent power to any Tribunal or court to make or :-32-: allow such amendment in tune with the cause of action.

21. The landlords have averred in the Rent Control Petitions

that in order to compete with other bar hotels, the petitioners require Bar attached restaurants and other facilities for conducting the business and they need the ground floor of the building. The court below has also found that the need for the petition schedule rooms for providing facilities in the ground floor are already incorporated in the Rent Control Petitions. The additional pleadings now sought to be amended are not contrary to the facts narrated in the petition. They are only supporting factors of the petitioners. There is nothing wrong in allowing the amendment now sought for. All facts are based on evidence and the parties have all rights to contest the case by adducing evidence.

22. In the said circumstances, we are of the view that, the

orders impugned in these Original Petitions are liable to be set aside and we accordingly do so. The Rent Control Court shall permit the landlords to carry out necessary amendments as prayed for in the Rent Control Petitions. :-33-: The Original Petitions (RC) are allowed. Sd/- A.MUHAMED MUSTAQUE, JUDGE sd/- SHOBA ANNAMMA EAPEN, JUDGE MBS/ :-34-: APPENDIX OF OP (RC) 48/2022 PETITIONER EXHIBITS Exhibit P1 A TRUE COPY OF THE RCP.NO.37/2018 ON THE FILES OF RENT CONTROL(MUNSIFF)COURT, PAYYANNUR Exhibit P2 A TRUE COPY OF THE COUNTER FILED BY THE RESPONDENTS 1 AND 2 IN RCP NO.37/2018 BEFORE THE RENT CONTROL(MUNSIFF) COURT, PAYYANNUR Exhibit P3 A TRUE COPY OF THE I.A NO.108/2020 IN RCP NO.37/2018 FILED BY THE PETITIONERS Exhibit P4 A TRUE COPY OF THE COUNTER IN I.A

NO.108/2020 IN RCP NO.37/2018 FILED BY THE RESPONDENT NOS.1,2,5,6 AND 7 BEFORE THE RENT CONTROL (MUNSIFF) COURT, PAYYANNUR.

Exhibit P5 A TRUE COPY OF THE ORDER DATED 28-01- 2022 IN I.A NO.108/2020 IN RCP NO.37/2018 ON THE FILES OF RENT CONTROL (MUNSIFF) COURT, PAYYANNUR :-35-: APPENDIX OF OP (RC) 70/2022 PETITIONERS' EXHIBITS Exhibit P1 A TRUE COPY OF THE R.C.P NO 39/2018 ON THE FILES OF RENT CONTROLLER (MUNSIFF COURT) PAYYANNUR Exhibit P2 A TRUE COPY OF THE COUNTER FILED BY THE 1ST RESPONDENT IN RCP NO 39/2018 BEFORE THE RENT CONTROLLER (MUNSIFF), PAYYANNUR Exhibit P3 A TRUE COPY OF THE IA NO 96/2020 IN RCP NO 39/2018 FILED BY THE PETITIONERS BEFORE THE RENT CONTROLLER (MUNSIFF) COURT, PAYYANNUR Exhibit P4 A TRUE COPY OF THE COUNTER IN IA NO 1ST RESPONDENT BEFORE THE RENT CONTROLLER (MUNSIFF) PAYYANNUR Exhibit P5 A TRUE COPY OF THE ORDER DATED 28.1.2022 IN IA NO 96/2020 IN RCP NO 39/2018 ON THE FILES OF RENT CONTROL COURT (MUNSIFF) PAYYANNUR :-36-: APPENDIX OF OP (RC) 54/2022 PETITIONERS' EXHIBITS Exhibit P1 A TRUE COPY OF THE R.C.P NO.41/2018 ON THE FILES OF RENT CONTROL (MUNSIFF) COURT, PAYYANNUR. Exhibit P2 A TRUE COPY OF THE COUNTER FILED BY THE RESPONDENT IN R.C.P NO.41/2018 BEFORE THE RENT CONTROL (MUNSIFF) COURT, PAYYANNUR. Exhibit P3 A TRUE COPY OF THE I.A NO. 112/2020 IN RCP NO. 41/2018 FILED BY THE PETITIONERS BEFORE THE RENT CONTROL (MUNSIFF), COURT, PAYYANNUR. Exhibit P4 A TRUE COPY OF THE COUNTER IN I.A

NO.112/2020 IN RCP NO.41/2018 FILED BY THE RESPONDENT BEFORE THE RENT CONTROL (MUNSIFF), COURT, PAYYANNUR. Exhibit P5 A TRUE COPY OF THE ORDER DATED 28.01.2022 IN I.A NO. 112/2020 IN RCP. NO. 41/2018 ON THE FILES OF THE RENT CONTROL (MUNSIFF) COURT, PAYYANNUR.

:-37-: APPENDIX OF OP (RC) 55/2022 PETITIONERS' EXHIBITS Exhibit P1 A TRUE COPY OF THE R.C.P. NO. 40/2018 ON THE FILES OF RENT CONTROL (MUNSIFF) COURT PAYYANNUR . Exhibit P2 A TRUE COPY OF THE

COUNTER FILED BY THE RESPONDENTS IN RCP NO. 40/2018 BEFORE THE RENT CONTROL (MUNSIFF) COURT, PAYYANNUR. Exhibit P3 A TRUE COPY OF THE I.A. NO. 109/2020 IN RCP NO. 40/2018 FILED BY THE PETITIONERS. Exhibit P4 A TRUE COPY OF THE COUNTER IN I.A. NO. RESPONDENT BEFORE THE RENT CONTROL (MUNSIFF) COURT PAYYANNUR. Exhibit P5 A TRUE COPY OF THE ORDER DATED

28.01.2022 IN I.A. NO. 109/2020 IN RCP .NO. 40/2018 ON THE FILES OF RENT CONTROL (MUNSIFF) COURT, PAYYANNUR.

: -38-: APPENDIX OF OP (RC) 56/2022 PETITIONERS' EXHIBITS Exhibit P1 A TRUE COPY OF THE R.C.P NO 42/2018 ON THE FILES OF RENT CONTROL (MUNSIFF) COURT PAYYANNUR Exhibit P2 A TRUE COPY OF THE COUNTER FILED BY THE RESPONDENTS IN RCP NO 42/2018 BEFORE THE RENT CONTROL (MUNSIF) COURT, PAYYANNUR Exhibit P3 A TRUE COPY OF THE IA NO 113/2020 IN RCP NO 42/2018 FILED BY THE PETITIONERS BEFORE THE RENT CONTROL (MUNSIFF) COURT, PAYYANNUR Exhibit P4 TRUE COPY OF THE COUNTER IN IA NO RESPONDENT BEFORE THE RENT CONTROL (MUNSIFF) COURT, PAYYANNAUR Exhibit P5 A TRUE COPY OF THE ORDER DATED 28.1.2022 IN IA NO 113/2020 IN RCP NO 42/2018 ON THE FILES OF RENT CONTROL (MUNSIFF) COURT, PAYYANNUR

: -39-: APPENDIX OF OP (RC) 58/2022 PETITIONERS' EXHIBITS:- Exhibit P1 A TRUE COPY OF THE R.C.P NO.35/2018 ON THE FILES OF RENT CONTROL (MUNSIFF), COURT, PAYYANNUR. Exhibit P2 A TRUE COPY OF THE COUNTER FILED BY THE RESPONDENTS IN RCP NO. 35/2018 BEFORE THE RENT CONTROL (MUNSIFF) COURT, PAYYANNUR. Exhibit P3 A TRUE COPY OF THE I.A.NO. 111/2020 IN RCP NO. 35/2018 FILED BY THE PETITIONERS. Exhibit P4 A TRUE COPY OF THE COUNTER IN I.A NO. RESPONDENT BEFORE THE RENT CONTROL (MUNSIFF) COURT, PAYYANNUR. Exhibit P5 A TRUE COPY OF THE ORDER DATED 28.01.2022 IN I.A NO.111/2020 IN RCP NO. (MUNSIFF) COURT, PAYYANNUR. : -40-: APPENDIX OF OP (RC) 64/2022 PETITIONERS' EXHIBITS: Exhibit P1 A TRUE COPY OF THE R.C.P.NO.43/2018 FILED BY THE PETITIONERS ON THE FILES OF RENT CONTROL (MUNSIFF) COURT, PAYYANNUR DATED 30.06.2018 Exhibit P2 A TRUE COPY OF THE

COUNTER FILED BY THE RESPONDENT IN R.C.P.NO.43/2018 BEFORE THE RENT CONTROL (MUNSIFF) COURT, PAYYANNUR Exhibit P3 A TRUE COPY OF THE IA NO.115/2020 R.C.P.NO.43/2018 FILED BY THE PETITIONERS BEFORE THE RENT CONTROL (MUNSIFF) COURT, PAYYANNUR Exhibit P4 A TRUE COPY OF THE ORDER DATED

28.01.2022 IN IA NO.115/2020 IN R.C.P.NO.43/2018 ON THE FILES OF RENT CONTROL (MUNSIFF) COURT, PAYYANNUR

:-41-: APPENDIX OF OP (RC) 60/2022 PETITIONERS' EXHIBITS: Exhibit P1 A TRUE COPY OF THE R.C.P NO 44/2018 ON THE FILES OF RENT CONTROL (MUNSIFF) COURT, PAYYANNUR Exhibit P2 A TRUE COPY OF THE COUNTER FILED BY THE RESPONDENT IN RCP NO 44/2018 BEFORE THE RENT CONTROL (MUNSIFF) COURT, PAYYANNUR Exhibit P3 A TRUE COPY OF THE IA NO 110/2020 IN RCP NO 44/2018 FILED BY THE PETITIONERS BEFORE THE RENT CONTROL (MUNSIFF) COURT PAYYANNUR Exhibit P4 A TRUE COPY OF THE ORDER DATED 28.1.2022 IN IA NO 110/2020 IN RCP NO 44/2018 ON THE FILES OF RENT CONTROL (MUNSIFF) COURT, PAYYANNUR

:-42-: APPENDIX OF OP (RC) 62/2022 PETITIONERS' EXHIBITS: Exhibit P1 A TRUE COPY OF THE RCP NO.31/2018 ON THE FILES OF RENT CONTROL (MUNSIFF) COURT, PAYYANNUR. Exhibit P2 A TRUE COPY OF THE COUNTER FILED BY THE RESPONDENTS IN RCP NO.31/2018 BEFORE THE RENT CONTROL (MUNSIFF) COURT, PAYYANNUR. Exhibit P3 A TRUE COPY OF THE IA NO.105/2020 IN RCP NO.31/2018 FILED BY THE PETITIONERS. Exhibit P4 A TRUE COPY OF THE COUNTER IN IA

NO.105/2020 IN RCP NO.31/2018 FILED BY THE RESPONDENT HEREIN BEFORE THE RENT CONTROL (MUNSIFF) COURT, PAYYANNUR. Exhibit P5 A TRUE COPY OF THE ORDER DATED 28.01.2022 IN IA NO.105/2020 IN RCP NO.31/2018 ON THE FILE OF RENT CONTROL (MUNSIFF) COURT, PAYYANNUR.

:-43-: APPENDIX OF OP (RC) 63/2022 PETITIONERS' EXHIBITS: Exhibit P1 A TRUE COPY OF THE R.C.P.NO.34/2018 ON THE FILES OF RENT CONTROL (MUNSIFF) COURT, PAYYANNUR Exhibit P2 A TRUE COPY OF THE

COUNTER FILED BY THE RESPONDENT IN RCP NO.34/2018 BEFORE THE RENT CONTROL (MUNSIFF) COURT, PAYYANNUR Exhibit P3 A TRUE COPY OF THE IA NO.106/2020 IN RCP NO.34/2018 FILED BY THE PETITIONERS BEFORE THE RENT CONTROL (MUNSIFF) COURT, PAYYANNUR Exhibit P4 A TRUE COPY OF THE COUNTER IN IA

NO.106/2020 IN RCP NO.34/2018 FILED BY THE RESPONDENT BEFORE THE RENT CONTROL (MUNSIFF) COURT, PAYYANNUR Exhibit P5 A TRUE COPY OF THE ORDER DATED 28.01.2022 IN IA NO.106/2020 IN RCP NO.34/2018 ON THE FILE OF RENT CONTROL (MUNSIFF) COURT, PAYYANNUR :-44-: APPENDIX OF OP (RC) 65/2022 PETITIONERS' EXHIBITS:- Exhibit P1 A TRUE COPY OF THE R.C.P.NO.38/2018 FILED BY THE PETITIONERS DATED 30.06.2018 ON THE FILES OF RENT CONTROL (MUNSIFF) COURT,PAYYANNUR Exhibit P2 A TRUE COPY OF THE COUNTER FILED BY THE

1ST RESPONDENT IN R.C.P.NO.38/2018 BEFORE THE RENT CONTROL (MUNSIFF) COURT,PAYYANNUR DATED 26.11.2018 Exhibit P3 A TRUE COPY OF THE IA NO.114/2020 IN R.C.P.NO.38/2018 FILED BY THE PETITIONERS BEFORE THE RENT CONTROL (MUNSIFF) COURT,PAYYANNUR DATED 17.01.2020 Exhibit P4 A TRUE COPY OF THE ORDER DATED 28.01.2022 IN INA NO.114/2020 IN R.C.P.NO.38/2018 ON THE FILE OF RENT CONTROL (MUNSIFF) COURT,PAYYANNUR

:-45-: APPENDIX OF OP (RC) 67/2022 PETITIONERS' EXHIBITS:- Exhibit P1 A TRUE COPY OF THE R.C.P NO. 29/2018 ON THE FILES OF RENT CONTROLLER(MUNSIFF) COURT, PAYYANNUR. Exhibit P2 A TRUE COPY OF THE COUNTER FILED BY THE RESPONDENT IN RCP. NO. 29/2018 BEFORE THE RENT CONTROL (MUNSIFF) COURT, PAYYANNUR. Exhibit P3 A TRUE COPY OF THE I.A NO. 107/2020 IN RCP NO. 29/2018 FILED BY THE PETITIONERS BEFORE THE RENT CONTROLLER (MUNSIFF) COURT, PAYYANNUR. Exhibit P4 A TRUE COPY OF THE COUNTER IN I.A NO. RESPONDENT HEREIN BEFORE THE RENT CONTROLLER, PAYYANNUR. Exhibit P5 A TRUE COPY OF THE ORDER DATED 28-01- 2022 IN I.A NO.

107/2020 IN RCP NO. COURT(MUNSIFF), PAYYANNUR. :-46-:

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