

Gangeswary vs Santhan

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Court : Kerala Orders

Decided On : Jul-22-2019

Judge : Honourable Mr. Justice a.Hariprasad,Honourable Mrs. Justice Shircy V.

Appeal No. : RCRev./210/2019

Appellant : Gangeswary

Respondent : Santhan

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.HARIPRASAD & THE HONOURABLE MRS. JUSTICE SHIRCY V. MONDAY, THE 22ND DAY OF JULY 2019 / 31ST ASHADHA, 1941 RCRev..No.210 of 2019 AGAINST THE ORDER DATED 22-11-2018 IN RCA 40/2013 of RENT CONTROL APPELLATE AUTHORITY, THRISSUR. AGAINST THE COMMON ORDER DATED 27-03-2013 IN RCP 35/1998 of RENT CONTROL COURT, THRISSUR. REVISION PETITIONERS/APPELLANTS/RESPONDENTS : 1 GANGESWARY, AGED 72, W/O. LATE RAMAKRISHNAN, PUTHERY (H),

2 OMANA, AGED 56, D/O. LATE PUTHERY RAMAKRISHNAN, W/O.MADAMBIKKATTIL THILAKAN, KANNAMKULANGARA, P.O.

KOORKKANCHERY, THRISSUR DISTRICT. 3 RAJESH, AGED 48, S/O. LATE PUTHERY RAMAKRISHNAN PUTHERY (H), 4 BINDU SURESH, AGED 42, W/O. LATE SURESH, PUTHERY (H), R.C.R No.210 of 2019 2 5 YADHUKRISHNAN, AGED 12 YEARS (MINOR), GRANDSON OF LATE PUTHERY RAMAKRISHNAN & S/O. LATE SURESH, PUTHERY (H), CHERPU VILLAGE & DESOM, THRISSUR TALUK, REP. BY BINDU SURESH, PUTHERY (H), CHERPU VILLAGE & DESOM, THRISSUR TALUK. BY ADV. SRI.PREMCHAND M. RESPONDENT/RESPONDENT/PETITIONER : SANTHAN, AGED 64, S/O. THAYYIL KOCHU GOVINDAN, KANIMANGALAM VILLAGE & DESOM, THRISSUR TALUK. THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 22.07.2019, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: R.C.R No.210 of 2019 3 A.HARIPRASAD & SHIRCY.V, J J. ----- R.C.R No.210 of 2019 ----- Dated this the 22nd day of July, 2019

ORDER

A.HARIPRASAD, J Heard the learned counsel for the petitioners.

2. Petitioners are aggrieved by concurrent findings of the Rent

Control Court and Appellate Authority that they are liable to be evicted under Sections 11(2)(b) and 11(3) of the Kerala Buildings (Lease and Rent Control) Act, 1965 (in short 'the Act'). It is the case of the petitioners that there is no landlord-tenant relationship between the petitioners and respondent as the petitioners are mortgagees under the respondent. It is an admitted case that there is no deed of mortgage executed between the R.C.R No.210 of 2019 4 parties and registered. This contention was examined by the Rent Control Court and repelled it for valid reasons. In addition to that the grounds of eviction under Section 11(2)(b) of the Act, for keeping arrears of rent and bonafide need under Section 11(3) of the Act were also properly established.

3. On facts, we find no reason to interfere because the authorities

below have examined the facts correctly and applied correct legal principles to the facts in the case. We find no illegality or impropriety in the concurrent findings of the authorities below. In the result, the revision is devoid of any merit and hence it is dismissed. Learned counsel for the petitioners sought six months time for vacating the premises. We are inclined to grant four months time to the petitioners for vacating the premises on fulfilling the following conditions. R.C.R No.210 of 2019 5 In the result, the revision petition is dismissed. Revision petitioners together shall file an affidavit within two weeks before the Rent Control Court, unconditionally undertaking to vacate the premises within the aforementioned time. They shall clear off all the arrears of rent within a period of one month and they shall keep on paying rent up-to-date till the date of vacating the room. If any of the conditions is breached, the execution court is free to execute the order without regard to the time fixed by this Court as above. All pending interlocutory applications will stand dismissed. A. HARIPRASAD, JUDGE. SHIRCY.V, amk JUDGE

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