

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

&

THE HONOURABLE MR. JUSTICE P.S.GOPINATHAN

TUESDAY, THE 30TH NOVEMBER 2010 / 9TH AGRAHAYANA 1932

RCRev..No. 47 of 2010()

RCA.8/2008 of RENT CONTROL APPELLATE AUTHORITY, PALAKKAD
RCP.7/2006 of MUNSIF COURT, CHITTUR
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REVISION PETITIONER/RESPONDENT/RESPONDENT

PAZHANIYAPPAN, S/O.VELU, AGED 77 YEARS,
RESIDING AT POLLACHI ROAD,KOZHINJAMPARA VILLAGE,
CHITTUR TALUK.

BY ADV. SRI.P.SANTHALINGAM, SENIOR ADVOCATE
SRI.S.SHARAN

RESPONDENT(S): APPELLANT/PETITIONER

SAS SUNDARAM ALIAS SHANMUGHA SUNDARAM,
S/O.ANGAYYAN CHETTIAR, RESIDING AT PUTHUR ROAD,
KOZHINJAMPARA VILLAGE, CHITTUR TALUK.

ADV. SRI.D.KRISHNA PRASAD FOR R1
SMT.O.K.SANTHA FOR R1
SMT.P.L.MARY TREASA FOR R1

THIS RENT CONTROL REVISION HAVING BEEN FINALLY HEARD
ON 30/11/2010, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

PIUS C.KURIAKOSE & P.S.GOPINATHAN, JJ.

R.C.R.No. 47 OF 2010

Dated this the 30th day of November, 2010

O R D E R

Pius C.Kuriakose, J.

Under challenge in this revision filed under Section 20 is the judgment of the rent control appellate authority confirming the order of eviction passed against the revision petitioner under sub section (3) of Section 11.

2. In this revision, various grounds are raised assailing the judgment of the appellate authority and the learned counsel for the revision petitioner addressed strenuous arguments based on those grounds. All the arguments of the learned counsel for the revision petitioner are opposed by the learned counsel for the respondent.

3. As we felt during the course of the submissions that there is a likelihood of compromise of the issue between the parties, we summoned both the parties to this court and wanted them to explore the possibility of a settlement. It was reported

to us that settlement is not possible.

4. Having regard to the rival submissions addressed before us and having scanned the judgment of the learned appellate authority and order of the rent control court, we are of the considered view that there is no illegality or irregularity or impropriety, as envisaged under section 20 of Act 2 of 1965, tainting the impugned judgment of the appellate authority. The findings entered by the appellate authority, which under the statutory scheme is the final court on facts, are founded on legal evidence. Those findings are reasonable findings. Being reasonable findings founded on evidence on record, there is no justification for interfering with them in this revisional jurisdiction.

5. As a last submission, the learned counsel for the revision petitioner sought for an unusually long period of time to surrender the premises. It was submitted by the learned counsel that the revision petitioner is a senior citizen who has been in occupation of the petition schedule building for more than 50 years and identifying another building, which is suitable for shifting the business, will not be easy. Even though this request

is opposed by the learned counsel for the respondent, we feel that there is justification for granting to the revision petitioner at least one year time. Hence, even as we confirm the judgment of the appellate authority and dismiss the revision petition, we direct the Execution Court to keep in abeyance proceedings for delivery for a period of one year; s i.e. till 30/11/2011 subject to the following conditions;

i) The revision petitioner shall file an affidavit before the Execution Court undertaking to give peaceful surrender of the petition schedule building to the landlord on or before 30/11/2011 and undertaking further that the entire arrears of rent, if any, due will be paid within one month and undertaking further that occupational charges will also be paid as and when the same falls due at the rate of Rs.100/- per month with effect from 1/1/2011.

ii). The affidavit as directed above shall be filed within three weeks from today.

The revision petitioner will get benefit of time granted above

only if he files the affidavit on time and honours all the undertakings in the affidavit.

PIUS C.KURIAKOSE,JUDGE

P.S.GOPINATHAN, JUDGE

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