

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. 369 of 2010()

RCA.03/2007 of RENT CONTROL APPELLATE AUTHORITY, THRISSUR
RCP.202/2004 of PRL.MUNSIFF COURT,THRISSUR
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REVISION PETITIONER/APPELLANT/PETITIONER

INDIRA,PARTNER,M/S.MARVEL TRAVEL
ENTERPRISES,POTTEKKAT BUILDINGS,ROUND EAST,
THRISSUR.

BY ADV. SRI.C.A.ANOOP
SRI.R.KRISHNA

RESPONDENT(S): RESPONDENTS/RESPONDENTS

1. P.S.RAJAN,S/O.POTTEKKATT SADANANDAN
(LATE),P.O.OLARIKKARA,OLARIKKARA DESOM,
PULLAZHI VILLAGE,THRISSUR TALUK-680012.
2. MARVEL TRAVEL ENTERPRISES,REPRESENTED
BY MANAGING PARTNER,SURESH RAJ NAMBOODIRI,
POTTEKKATT BUILDINGS,ROUND EAST,THRISSUR-680001.

THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION
ON 30/11/2010, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

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

R.C.R.No. 369 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 by the revision petitioner, who sought to get herself impleaded as additional respondent in the rent control petition, is the judgment of the rent control appellate authority confirming the order of the rent control court dismissing the impleadment application. The petitioner is admittedly the wife of the managing partner of M/s. Marvel Travel Enterprises, which is alleged to be a tenant. M/s.Marvel Travel Enterprises is the respondent in the rent control petition and it is represented by none other than through Sri.Suresh Raj Namboodiri, who is the husband of the revision petitioner.

2. The case of the revision petitioner is that she is a partner of M/s.Marvel Travel Enterprises. She has a further case

that the landlord and she has entered into an oral agreement for sale and purchase of the petition schedule building and that a suit for specific performance of the agreement for sale is pending. The learned rent control court dismissed the application and the learned appellate authority confirmed that order. There is no case for the revision petitioner that there is any estrangement between her and her husband who represents the tenant firm in his capacity as its managing partner. That being so, whatever contention the tenant has against the rent control petition can be got advanced through the managing partner of the firm who is none other than her husband.

3. As for the contention based on the agreement for sale and the pending suit, our view is that same is an entirely different issue. We do not find any irregularity, illegality or impropriety as envisaged by Section 20 tainting the judgment of the appellate authority.

4. We dismiss the revision petition making it clear that neither this judgment nor the order of the rent control court dismissing the I.A. filed by the petitioner will cause any prejudice to the interest of the revision petitioner in the suit

(O.S.No.884/2002), which is stated to be pending before the Thrissur Sub Court. Evidently, Ext.B1 the document which governs the lease in question, will show that the petitioner's husband Sri.Suresh Raj Namboodiri is the tenant, which shows he is by himself competent to represent the tenant firm.

PIUS C.KURIAKOSE,JUDGE

P.S.GOPINATHAN, JUDGE

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