

(2010) 11 KL CK 0288

In the High Court Of Kerala

Case No : Original Petition (Civil) No. 552 of 2010 (O)

Pallivalappil Hafsathbi

APPELLANT

Vs

Nyjl F.S.

RESPONDENT

Date of Decision : 03-11-2010

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 22 Rule 5
Constitution of India, 1950 — Article 227

Citation : (2010) 11 KL CK 0288

Hon'ble Judges : Pius C. Kuriakose, J;P.S. Gopinathan, J

Bench : Division Bench

Advocate : V. Ramkumar Nambiar, for the Appellant; No Appearance, for the Respondent

Judgement

Pius C. Kuriakose, J.—Under challenge in this Original Petition filed under Article 227 of the Constitution of India is Ext.P5 order passed

by the Rent Control Appellate Authority, Thalassery. According to the petitioner/landlady, the tenant in occupation of the building in question was

one Daicy Simon who died as a spinster without any issues. According to the petitioner, nobody is entitled to be impleaded as legal heir or

representative of the deceased tenant. But respondent Nos. 1 and 2 filed I.A.No. 1711/08 seeking their impleadment as additional respondents in

the RCA on the basis that they are the legal representatives of the deceased tenant. I.A.162/08 was filed by the landlady for recording the death of

the tenant and for declaring that the tenancy has come to an end. Under Ext.P5, the learned Appellate Authority has dismissed the I.A. filed by the

landlady and allowed the I.A. filed by respondent Nos. 1 and 2. Various grounds are raised in this O.P. challenging Ext.P5. Sri. Ramkumar

Nambiar, the learned Counsel for the petitioner addressed us on the basis of all those grounds. He referred to Rule 5 Order 22 CPC also.

2. We have considered the submissions and we have carefully gone through Ext.P5. The only question to be considered by us is whether Ext.P5

order passed by the Appellate Authority warrants interference under the supervisory jurisdiction of this Court under Article 227. It will be noticed

immediately that the supervisory jurisdiction under Article 227 is a visitorial jurisdiction which is not liable to be invoked for correcting each and

every order that is passed by the Subordinate Court. The above jurisdiction will be invoked very sparingly. According to us, visitorial jurisdiction

can be invoked only when it can be said that the order passed by the Subordinate Court is per se illegal in the sense that it violates law either

statutory or settled. It can also be invoked when it can be said that the order has been passed without jurisdiction. It can also be invoked when it

can be said that the order is so wholly unreasonable that the same can be branded as perverse in the sense that such an order will not be authored

by anybody having reasonable learning and training in law. Gauging Ext.P5 by the parametres which are applicable for the invocation of the

supervisory jurisdiction under Article 227, we are unable to say that there is warrant in this case for invocation of that jurisdiction. In that view of

the matter, we dismiss the O.P. The learned Rent Control Appellate Authority will notice that the RCA is instituted way back in 2004 and will

ensure that the RCA is disposed of at the earliest.