
(2010) 08 KL CK 0129

In the High Court Of Kerala

Case No : Writ Petition (C) No. 26417 of 2010 (B)

Rajamma, Santhamma, Rajesh and Prema

APPELLANT

Vs

Rajammal and Others

RESPONDENT

Date of Decision : 19-08-2010

Acts Referred:

Citation : (2010) 08 KL CK 0129

Hon'ble Judges : Pius C. Kuriakose, J;C.K. Abdul Rahim, J

Bench : Division Bench

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

Judgement

Pius C. Kuriakose, J.—We notice elements of genuineness in the grievance voiced by the petitioners, who are tenants. The order of eviction was passed against them by the Rent Control Court u/s 11(2)(b). Their endeavour to get the order vacated u/s 11(2)(c) was unsuccessful. They have preferred two appeals Exts.P3 and P4 before the Rent Control Appellate Authority, Kozhikode. Since the appeals were not filed on time, they have preferred Exts.P5 and P6 petitions seeking condonation of the delay of 150 days. It is submitted that on account of the delay, the learned Appellate Authority did not become inclined to pass orders of interim stay of execution. It is submitted that the learned Munsiff, who is presently executing the eviction order, has passed an order that unless a stay order is produced on or before 30/8/2010, the building will be ordered to be delivered over.

2. Having regard to the grounds raised in the writ petition and the appealing submissions of Sri. P.A. Harish, learned Counsel for the writ petitioners, we are of the view that limited relief can be given to the petitioners even without issuing notice to the respondents. We dispose of the writ petition at this stage itself issuing the following directions;

i). The learned Appellate Authority, who is presently in seizin of Ext. P3 & P4, P5 & P6, will take up at least Exts.P5 & P6 and pass orders on them at the earliest

and at any rate within three weeks of the court reopening after Onam holidays. Once orders are passed on Exts.P5 and P6, if it is possible for the learned appellate authority to pass final orders on Exts.P3 & P4 appeals, that will be done. If for some reason, the learned Appellate Authority is not able to dispose of the appeals finally, the learned Appellate Authority will take up one of the stay petitions and pass appropriate orders on the same immediately.

ii). In view of the above orders, we direct the learned Munsiff, who is presently in seizin of the Execution Petition in RCP No. 82/2003 (E.P. No. 14/2010), not to order and effect delivery of the building in question for a period of one month from the date of reopening of the Court.