

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.HARIPRASAD

&

THE HONOURABLE MR.JUSTICE T.V.ANILKUMAR

MONDAY, THE 26TH DAY OF AUGUST 2019 / 4TH BHADRA, 1941

OP (RC) .No.86 OF 2019

RCR 113/16 OF THIS COURT, DTD.13.12.2018

RCP 6/2009 OF MUNSIF MAGISTRATE COURT, PERAMBARA

PETITIONER/RCR PETITIONER/TENANT:

KOPPARATH SREEBHA.M.P. @ SREEBA
AGED 50 YEARS
D/O.BALAN NAIR, W/O.VASUDEVAN, TRADE,
MEPPAYUR AMSOM DESOM,
KOYILANDY TALUK, PIN- 673524.

BY ADV. SRI.MANJERI SUNDERRAJ

RESPONDENT/RCR RESPONDENT/LANDLADY:

CHAKKARA MAKOOOL C.V.USHA,
AGED 54 YEARS
W/O.NANU, SWASTHAM, CHEMBOTTIVALAPPIL,
NAGAROM AMSOM DESOM, KOZHIKODE, PIN- 673001.

BY ADV. SRI.PHILIP ANTONY CHACKO

BY ADV. SRI.P.M.SEBASTIAN

BY ADV. SRI.N.V.PAUL

THIS OP (RENT CONTROL) HAVING BEEN FINALLY HEARD ON
26.08.2019, ALONG WITH OP (RC) NO.87/2019, THE COURT ON THE
SAME DAY PASSED THE FOLLOWING:

O.P. (R.C.) Nos.86 and 87 of 2019

: -2- :

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RCR 114/16 OF THIS COURT, DTD.13.12.2018

RCP 4/2009 OF MUNSIFF MAGISTRATE COURT, PERAMBARA

PETITIONER/RCR PETITIONER/TENANT:

KOPPARATH VASUDEVAN,
AGED 53 YEARS
S/O.KUNHIKRISHNAN NAIR, TRADE, MEPPAYUR AMSOM
DESOM, KOYILANDY TALUK, PIN- 673524.

BY ADV. SRI.MANJERI SUNDERRAJ

RESPONDENT/RCR RESPONDENT/LANDLADY:

CHAKKARA MAKOOOL C.V.USHA,
AGED 54 YEARS
W/O.NANU, SWASTHAM, CHEMBOTTIVALAPPIL,
NAGAROM AMSOM DESOM, KOZHIKODE, PIN- 673001.

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26.08.2019, ALONG WITH OP (RC) NO.86/2019, THE COURT ON THE
SAME DAY PASSED THE FOLLOWING:

O.P. (R.C.) Nos. 86 and 87 of 2019

: -3- :

A.HARIPRASAD & T.V.ANILKUMAR, JJ.

O.P. (R.C.) Nos. 86 and 87 of 2019

Dated this the 26th day of August, 2019

C O M M O N J U D G M E N T

A.HARIPRASAD, J.

Heard the learned counsel for the petitioners and respondent.

2. The prayer in both these original petitions are almost similar. The petitioners seek enlargement of time fixed, in two execution petitions, to receive arrears of rent payable as per the orders of the court. It is submitted by the learned counsel for the respondent that the amounts have been paid by the petitioners in both the execution petitions and they were asked to vacate on 13.8.2019. Thereafter they filed two

: -4- :

applications in these matters seeking further time of three months to vacate the premises. This submission is strongly opposed by the respondent/landlady. It was also brought to our notice that both the petitioners have filed applications before this Court and as per order dated 14.6.2019 a Division Bench has extended time fixed to deposit the arrears of rent and pursuant to that, they have deposited the amount.

3. Having regard to the facts and circumstances of the case, we find that further extension of three months' time will only cause hardship to the respondent/landlady. Therefore, we hereby allow the petitioners to occupy the tenanted premises for one month from **13.8.2019** as a last chance. The rent arrears, if any, shall be paid by the petitioners to the respondent/landlady. It is clarified that no further extension will be granted

O.P. (R.C.) Nos. 86 and 87 of 2019

: -5- :

in this matter.

Original petitions are disposed of accordingly.

All pending interlocutory applications are closed.

Sd/-

A. HARI PRASAD
JUDGE

Sd/-

T. V. ANIL KUMAR
JUDGE

ami/

O.P. (R.C.) Nos. 86 and 87 of 2019

: - 6 - :

APPENDIX

O.P. (R.C.) No. 86 of 2019

PETITIONER'S EXHIBITS:

EXHIBIT P1	TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN RCR NO.113/2016.
EXHIBIT P2	TRUE COPY OF AFFIDAVIT OF UNDERTAKING BY PETITIONER FILED IN THE RENT CONTROL COURT, MUNSIFF, PERAMBRA IN E.P.NO.34/2016 IN RCP NO.06/2009.
EXHIBIT P3	TRUE COPY OF PETITION BY PETITIONER FOR ENLARGEMENT OF TIME FOR PAYMENT OF ARREARS OF RENT.

O.P. (R.C.) Nos. 86 and 87 of 2019

: -7- :

APPENDIX

O.P. (R.C.) No. 87 of 2019

PETITIONER'S EXHIBITS:

EXHIBIT P1	TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN RCR NO.114/2016.
EXHIBIT P2	TRUE COPY OF AFFIDAVIT OF UNDERTAKING BY PETITIONER FILED IN THE RENT CONTROL COURT, MUNSIFF, PERAMBRA IN EP 33/2016 IN RCP 04/2009.
EXHIBIT P3	TRUE COPY OF PETITION BY PETITIONER FOR ENLARGEMENT OF TIME FOR PAYMENT OF ARREARS OF RENT.