



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR.JUSTICE P. KRISHNA KUMAR

WEDNESDAY, THE 11<sup>TH</sup> DAY OF DECEMBER 2024 / 20TH AGRAHAYANA,

1946

RCREV. NO. 337 OF 2017

AGAINST THE JUDGMENT DATED 28.02.2017 IN RCA NO.68 OF 2013 OF ADDITIONAL DISTRICT COURT - I ,THALASSERY ARISING OUT OF THE ORDER DATED 27.11.2012 IN RCP NO.114 OF 2010 OF MUNSIF COURT, THALASSERY

REVISION PETITIONER/APPELLANT/RESPONDENT:

V.P. SARATH KUMAR  
S/O.MITHRAN, AGED 42 YEARS,  
KOTTOYODANTAVIDA HOUSE, P.O.KOORARA,  
THALASSERY TALUK.

BY ADV SRI.CIBI THOMAS

RESPONDENTS/RESPONDENTS/PETITIONERS:

- 1 MALINI S. PAI  
W/O.SATHEESH PAI (LATE), AGED 55 YEARS,  
MALINI HOUSE, PARAL, KUTHUPARAMBA P.O.,  
THALASSERY TALUK
- 2 VIPIN VASUDEV S. PAI  
S/O.SATHEESH PAI (LATE), AGED 34 YEARS,  
-DO- -DO- .



- 3 VINEETHA MAHESH  
D/O.SATHEESH PAI (LATE), AGED 28 YEARS, -DO- -DO-.
- 4 SUDHA J.PAI  
W/O.JAIKAR PAI (LATE), AGED 63 YEARS, NO.547, 1ST  
FLOOR, 6TH CROSS 22 MAIN H.S.R. LAY OUT, SECTOR 1  
BANGALORE-560002.
- 5 ANITHA S.NAIK  
D/O.JAIKAR PAI (LATE), AGED 44 YEARS, -DO- -DO-.
- 6 RAJESSH J.PAI  
S/O.JAIKAR PAI (LATE), AGED 42 YEARS, MALINI HOUSE,  
KUTHUPARAMBA P.O., THALASSERY TALUK.
- 7 SHALINI SURESH PAI  
W/O.LATE SURESH PAI, AGED 65 YEARS, PAI NIVAS,  
THALAKKAVERI LAY OUT, NO.22, AMRUTHA HALLI,  
BANGALORE.
- 8 DR.SUDHEER S.PAI  
S/O.LATE SURESH PAI, AGED 38 YEARS, PAI NIVAS,  
THALAKKAVERI LAY OUT, NO.22, AMRUTHA HALLI,  
BANGALORE.
- 9 VEDAVYAS SURESH PAI  
S/O.LATE SURESH PAI, AGED 38 YEARS, PAI NIVAS,  
THALAKKAVERI LAY OUT, NO.22, AMRUTHA HALLI,  
BANGALORE.

BY ADVS.

K.V.PAVITHRAN

JAYANANDAN MADAYI PUTHIYAVEETIL(K/572/2004)

JITHIN S SUNDARAN(K/000967/2016)

ADARSH KURIAN(K/154/2020)

THIS RENT CONTROL REVISION HAVING COME UP FOR HEARING ON  
11.12.2024, ALONG WITH RCRev..338/2017, 340/2017, THE COURT  
ON THE SAME DAY PASSED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR.JUSTICE P. KRISHNA KUMAR

WEDNESDAY, THE 11<sup>TH</sup> DAY OF DECEMBER 2024 / 20TH AGRAHAYANA,

1946

RCCREV. NO. 338 OF 2017

AGAINST THE JUDGMENT DATED 28.02.2017 IN RCA NO.66 OF 2013 OF ADDITIONAL DISTRICT COURT - I,THALASSERY ARISING OUT OF THE ORDER DATED 27.11.2012 IN RCP NO.112 OF 2010 OF MUNSIF COURT, THALASSERY

REVISION PETITIONER/APPELLANT/1ST RESPONDENT:

V.P.SARATH KUMAR  
AGED 42 YEARS  
S/O. MITHRAN, KOTTOYODANTAVIDA HOUSE,  
P.O.KOORARA, THALASSERY TALUK.

BY ADV SRI.CIBI THOMAS

RESPONDENTS/RESPONDENTS/PETITIONERS 1 TO 3 & R2 TO R7:

- 1 MALINI S PAI  
AGED 55 YEARS  
W/O. SATHEESH PAI (LATE) ,  
MALINI (H) , PARAL KUTHUPARAMBA P.O,  
THALASSERY TALUK
- 2 VIPIN VASUDEV S. PAI



AGED 34 YEARS  
S/O. SATHEESH PAI (LATE) ,  
- DO-

3 VINEETHA MAHESH  
AGED 28 YEARS  
D/O. SATHEESH PAI (LATE) ,  
- DO-

4 SUDHA J PAI  
AGED 63 YEARS  
W/O. JAIKAR PAI (LATE) ,NO.547,1ST FLOOR,  
6TH CROSS 22 MAIN H.S.R.LAY OUT  
SECTOR 1 BANGALORE

5 ANITHAS. NAIK  
AGED 44 YEARS  
D/O. JAIKAR PAI (LATE) ,  
-DO-

6 RAJESSH J PAI  
AGED 42 YEARS  
S/O. JAIKAR PAI (LATE) , MALINI (H) , PARAL  
KUTHUPARAMBA P.O, THALASSERY TALUK.

7 SHALINI SURESH PAI  
AGED 65 YEARS  
W/O. LATE SURESH PAI, PAI NIVAS,  
THALAKKAVERI LAY OUT, NO.22 AMRUTHA HALLI,  
BANGALORE

8 DR. SUDHEER S. PAI  
AGED 38 YEARS  
S/O. LATE SURESH PAI, AGED 38 YEARS, PAI  
NIVAS, THALAKKAVERI LAY OUT,  
NO.22 AMRUTHA HALLI, BANGALORE.

9 VEDAVYAS SURESH PAI  
AGED 38 YEARS  
S/O. LATE SURESH PAI, PAI NIVAS,  
THALAKKAVERI LAY OUT,  
NO.22 AMRUTHA HALLI, BANGALORE.



2024:KER:93856

BY ADVS.  
K.V.PAVITHRAN  
JAYANANDAN MADAYI PUTHIYAVEETIL(K/572/2004)  
JITHIN S SUNDARAN(K/000967/2016)  
ADARSH KURIAN(K/154/2020)

THIS RENT CONTROL REVISION HAVING COME UP FOR HEARING ON  
11.12.2024, ALONG WITH RCRev..337/2017 AND CONNECTED CASES,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR.JUSTICE P. KRISHNA KUMAR

WEDNESDAY, THE 11<sup>TH</sup> DAY OF DECEMBER 2024 / 20TH AGRAHAYANA,

1946

RCREV. NO. 340 OF 2017

AGAINST THE JUDGMENT DATED 28.02.2017 IN RCA NO.67 OF 2013 OF ADDITIONAL DISTRICT COURT - I, THALASSERY ARISING OUT OF THE ORDER DATED 27.11.2012 IN RCP NO.113 OF 2010 OF MUNSIF COURT, THALASSERY

REVISION PETITIONER/APPELLANT/RESPONDENT:

V.P. SARATH KUMAR  
AGED 42 YEARS  
S/O. MITHRAN, KOTTOYODANTAVIDA HOUSE, P.O.KOORARA,  
THALASSERY TALUK.

BY ADV SRI.CIBI THOMAS

RESPONDENT/RESPONDENT/PETITIONER:

- 1 MALINI S. PAI  
W/O. SATHEESH PAI (LATE), AGED 55 YEARS, MALINI (H),  
PARAL, KUTHUPARAMBA P.O, THALASSERY TALUK-670702.
- 2 VIPIN VASUDEV.S. PAI  
AGED 34 YEARS  
S/O. SATHEESH PAI (LATE),  
-DO-



- 3 VINEETHA MAHESH  
AGED 28 YEARS  
D/O. SATHEESH PAI (LATE) ,  
-DO-
- 4 SUDHA J. PAI  
W/O. JAIKAR PAI (LATE) ,  
AGED 63 YEARS, NO. 547, 1ST FLOOR,  
6TH CROSS 22MAIN H.S.R. LAY OUT,  
SECTOR 1 BANGALORE-560002.
- 5 ANITHA. S. NAIK  
AGED 44 YEARS  
D/O. JAIKAR PAI (LATE) ,  
-DO-
- 6 RAJEESH J. PAI  
AGED 42 YEARS  
S/O. JAIKAR PAI (LATE) ,  
MALINI (H), PARAL, KUTHUPARAMBA P.O,  
THALASSERY TALUK-670702.
- 7 SHALINI SURESH PAI  
W/O. LATE SURESH PAI,  
AGED 65 YEARS, PAI NIVAS,  
THAKKAVERI LAY OUT,  
NO.22 AMRUTHA HALLI,  
BANGALORE-560002.
- 8 DR. SUDHEER. S. PAI  
AGED 38 YEARS  
S/O. LATE SURESH PAI, PAI NIVAS,  
THALAKKAVERI LAY OUT, NO.22,  
AMRUTHA HALLI, BANGALORE.-560002.
- 9 VEDAVYAS SURESH PAI  
AGED 38 YEARS  
S/O. LATE SURESH PAI,  
PAI NIVAS, THALAKKAVERI LAY OUT,  
NO.22 AMRUTHA HALLI,  
BANGALORE-560002.



2024:KER:93856

BY ADVS.  
K.V.PAVITHRAN  
JAYANANDAN MADAYI PUTHIYAVEETIL(K/572/2004)  
JITHIN S SUNDARAN(K/000967/2016)  
ADARSH KURIAN(K/154/2020)

THIS RENT CONTROL REVISION HAVING COME UP FOR HEARING ON  
11.12.2024, ALONG WITH RCRev..337/2017 AND CONNECTED CASES,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



**ORDER****P. Krishna Kumar, J.**

The tenant who suffered an order of eviction under Section 11(3) of the Kerala Buildings (Lease and Rent Control) Act, 1965 ('the Act', for short) challenges the concurrent findings of the Rent Control Court and the Appellate Authority, by invoking the revisional jurisdiction of this court.

2. The short facts which are necessary for the disposal of this case are as follows:

The tenanted buildings belong to the respondents as per a gift deed, and they entered into a rental agreement with the revision petitioner for a monthly rent of Rs.2,500/-, Rs.2,500/- and Rs.500/- respectively. The respondents bone fide require the whole building to conduct their own business in building materials, and they have no other suitable



building for that purpose. The revision petitioner contested the eviction petitions by alleging that the bona fide need projected was fictitious, that the respondents do not have experience in the proposed business, and that they have other vacant buildings of their own. It is also contended that there are no other suitable vacant buildings for shifting the business of the revision petitioner and that he is wholly depending on the income derives from the said business for his livelihood. Both the courts found that the claim of the respondents is genuine and the revision petitioner is not entitled to get the protection of the second proviso to section 11(3) of the Act.

3. We heard the learned counsel appearing for the petitioner as well as the respondents.

4. Though the learned counsel appearing for the petitioner raised certain feeble contentions to assail the eviction order passed under Section 11(3)



of the Act, we find no reason to re-evaluate the correctness of those findings of facts. In **Ubaiba v. Damodaran [(1999) 5 SCC 645]** the Honourable Apex Court held that the power of revision under Section 20 of the Act should not be exercised to reappreciate the evidence and to substitute an independent conclusion in place of the findings arrived at by the Rent Control Court/Appellate Authority. In the absence of any material to show that there is perversity or gross irregularity in the findings of the Courts of the first and second instances, this court is not expected to reconsider the correctness of the concurrent factual findings as to the bona fide need projected by the landlords. The petitioner herein failed to point out any such exceptional circumstances.

5. Therefore, this Rent Control Revision Petition is dismissed. However, considering the fervent plea made by the learned counsel for the



petitioner, four months' time is granted to the petitioner to surrender vacant possession of the petition schedule shop room to the respondents, subject to the following conditions:

(i) The petitioner shall file an affidavit before the Rent Control Court or the Execution Court, as the case may be, within two weeks from the date of receipt of a certified copy of this order, expressing an unconditional undertaking that he will surrender vacant possession of the petition schedule shop room to the respondents-landlord within six months from the date of this order and that, he shall not induct third parties into possession of the petition schedule shop room, and further, he shall conduct any business in the petition schedule shop room only



on the strength of a valid licence/permission/consent issued by the local authority/statutory authorities;

(ii) The petitioner shall deposit the entire arrears of rent as on date, if any, before the Rent Control Court or the Execution Court, as the case may be, within one month from the date of receipt of a certified copy of this order, and shall continue to pay rent for every succeeding month, without any default;

(iii) Needless to say, failing to comply with any one of the conditions stated above, the time limit granted by this order to surrender vacant possession of the petition schedule shop room will stand cancelled automatically, and the landlord will be at liberty to proceed



with the execution of the order of  
eviction.

Sd/-

**A.MUHAMED MUSTAQUE**

**JUDGE**

Sd/-

**P. KRISHNA KUMAR**

**JUDGE**

SV