

IN THE COURT OF RENT CONTROL APPELLATE AUTHORITY,
(ADDL. DISTRICT JUDGE-I) MAVELIKARA

Present:- Smt.V.G.Sreedevi, Rent Control Appellate Authority

Thursday, the 12th day of March, 2026/ 21st Phalgunam, 1947

R.C.A No. 01/2026

(Filed on : 14.01.2026)

(IA 06/2025 in RCP 06/2025 on the file of the Rent Control Court, Haripad)

Appellant /

Original Counter Petitioner

Sreejith.K.G., aged 37,
S/o Gopinathakurup,
residing at Kunnathoor Veedu,
Pilappuzha Muri,
Haripad Village,
Karthikappally Taluk,
Alappuzha.
(By Adv. Ramjith.P)

Respondents /

Original Petitioners

1. Varghese Samuel, aged 52,
S/o Varkey Samuel, residing at
Thundil House, Pilappuzha Muri,
Haripad village,
Karthikappally Taluk.
2. Shini Varghese, aged 37,
W/o Varghese Samuel, residing at
Thundil, House, Pilappuzha Muri,
Haripad Village,
Karthikappally Taluk.
(By Adv. Eapen.A.C)

This rent control appeal having been finally heard on 02.03.2026 and the court on 12.03.2026 delivered the following:-

JUDGMENT

This appeal is preferred against the order passed by the Rent Control Court, Haripad in RCP No.6/2025. By the said order,

eviction was ordered u/s.12 (3) of the Kerala Buildings (Lease and Rent Control) Act.

2. Aggrieved by the said order, the respondents in the RCP have preferred this appeal.

3. The Rent Control Petition was originally filed u/ss.11(2) (b) and 11(3) of the Rent Control Act. The respondents appeared and filed objection, and as per the order in I.A.3/2025, the learned Rent Control Court directed the respondents to pay the admitted arrears of rent of ₹90,000/- from August 2024 to April 2025 within four weeks from the date of order ie., 18.09.2025. They were also directed to pay rent for the subsequent period within two weeks.

4. Thereafter, the petitioner filed I.A.4/2025 stating that the respondents did not pay the admitted arrears of rent. Then, the respondents filed I.A.5/2025 for enlargement of time and that was allowed, directing to pay the rent arrears within three weeks. Even then, the amount was not paid. Their only case is that they are under severe financial crisis. Because of the said fact, invoking Section 12(3) of the Act, I.A.6/2025 filed by the petitioner was allowed and eviction was ordered.

5. When the matter was brought before this Court, notice was issued to the respondent and thereafter, direction was given to the appellants to pay the admitted arrears of rent, but within time, they could not pay the amount.

6. As per the decision of the Hon'ble Supreme Court in **2025(7) KHC 586, Sidhique P.U. v. Zakariya, "No tenant shall be entitled to contest either an eviction petition before the Rent Control Court or an appeal before the Rent Control Appellate Authority unless he has paid or deposited with the arrears of rent. In the event of non-deposit/non-**

payment of rent, without any sufficient cause, Courts can stop all proceedings and make an order directing the tenant to put the landlord in possession of the building”.

7. In 2024(7) KHC 195, Zeenath Ibrahim v. Joy Daniel, the Full Bench of the Hon’ble High Court held: ***“The tenant is not entitled to contest the application for eviction and to even prefer an appeal against any order made on the S.11 application without paying the admitted arrears of rent”.***

8. In this proceedings also, the admitted arrears of rent of ₹90,000/- and the subsequent rent were not paid. Therefore, as per the dictums, the entire further proceedings in this case are stopped and the appellants are directed to give vacant possession of the petition schedule building to the respondent forthwith. Consequently, RCA is dismissed.

(Dictated to the C.A., typewritten by her, corrected and pronounced by me in open court on this the 12th day of March, 2026).

**Sd/-
V.G.Sreedevi
Rent Control Appellate Authority**

Appendix :Nil

**Id/-
Rent Control Appellate Authority**