

IN THE COURT OF THE RENT CONTROL APPELLATE AUTHORITY
ADDL. DISTRICT JUDGE - II, THALASSERY
Present: Smt. Titty George Addl. District Judge – II,
Wednesday, the 18th day of March, 2026, 27th Phalguna, 1947

IA No. 01/2026 in R C A. No.25/2026.
(RCP.35/2023 of Rent Control Court , Thalassery)

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|---|---|------------|
| 1 Jameela, W/o.Late Kassim Vellavoor, Aged 66 years,
residing at Vellavoor House, P.O Mekkunnu,
Thalassery Taluk, PIN -670675. |] | |
| 2 Shahin, S/o. Late Kassim Vellavoor, Aged 41 years,
residing at Vellavoor House, P.O Mekkunnu,
Thalassery Taluk, PIN -670675. |] | |
| 3 Shabeeb, S/o. Late Kassim Vellavoor, Aged 36 years,
residing at Vellavoor House, P.O Mekkunnu,
Thalassery Taluk, PIN -670675. |] | Appellants |
| 4 Shabina, D/o. Late Kassim Vellavoor, Aged 38 years,
residing at Vellavoor House, P.O Mekkunnu,
Thalassery Taluk, PIN -670675. |] | |

V/s

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| 1 Asker Kunhimoosa, S/o.Kunhimoosa Haji,
Aged 57 years ,Varikkolikandi House (Feminalayam) ,
Chokli.P.O, Aniyaram, Thalassery Taluk, PIN-670675. |] | |
| 2 Sakkir Hussain, S/o.Mammad, Aged 52 years,
Ottapurackal House, P.O.Peringathur, PIN- 670675. |] | Respondents |
| 3 Shahana, D/o. Late Kassim Vellavoor, Aged 42 years,
residing at Vellavoor House, P.O Mekkunnu,
Thalassery Taluk, PIN -670675. |] | |

The petition is filed by Under order XLI Rule 5 of the CPC r/w Sec. 18(2) of the Kerala Buildings (Lease and Rent control) Act.2

This petition coming on this day for hearing before me in the presence of Sri. V.P.Mahammod and Smt.U.Geetha, Advocate for the appellants; of Sri. K.Ranjith, Advocate for the 1st respondent ; respondent Nos 2and 3 not entered in appearance the Court passed the following:-

ORDER

The petition is filed by the petitioners/appellants u/o. XLI. Rule 5 of CPC seeking stay of execution of the order in RCP 35/23 dated 22/11/2025 of Rent

Control Court, Thalassery.

2. Notice served on R1 and R1 entered appearance and filed counter. Notice to R2 & R3 returned with endorsement "Left India".

3. Heard counsel for petitioner and respondent No.1

4. According to the petitioners, the impugned eviction order of the trial court is against the statute, legal principles and facts and in the event of executing the order of eviction, the petitioners would be put to much hardships. It is also submitted that entire rent arrears was deposited in court and present arrear is being paid through counsel for the respondents

5. Counsel for 1st respondent on the other hand vehemently opposed the petition on the ground that the petitioners have subleased the petition schedule building for a higher rent of Rs. 60,000/- per month and is paying a meager amount of Rs. 6,700/- to the respondent. Counsel for 1st respondent submitted that the trial court has fixed the fair rent as Rs. 40,000/- per month from 05/04/2023 onwards and hence if stay is granted without an order to deposit the arrears of rent, the respondent will suffer huge loss.

6. On perusal of the impugned order, it is seen that the trial court has fixed the fair rent @ Rs. 40,000/- per month from 05/04/2023 onwards. The petitioners are seriously challenging the fair rent fixed by the trial court. In such a circumstance, it is not just and proper to pass an order to deposit the said amount before attaining a finality of the matter. Therefore, considering the facts and circumstances of the case, execution of the order in RCP 35/23 dated 22/11/2025 of Rent Control Court, Thalassery is stayed until disposal of the appeal.

(Pronounced by me in open court, this the 18th day of March, 2026)

Sd/-

RENT CONTROL APPELLATE AUTHORITY
(ADDITIONAL DISTRICT JUDGE-II)

Fair / Copy of Order in
in IA 1 /26 in RCA.25/2026
Dated: 18-03-2026.

Copy to: