

IN THE COURT OF THE RENT CONTROL APPELLATE AUTHORITY

ADDL. DISTRICT JUDGE - IV, THALASSERY

(Present:-Sri. Vimal. J, Additional District Judge IV)

Monday, the 23rd day of February- 2026/ 04th Phalguna, 1947

I.A.No. 03/2025 in R.C.A. No. 118/2025

Vijesh.G, S/o. Gopalan, Bindu Nivas, Adiyarappara,	]	Petitioner/
P.O.Kuthuparamba amsom desom, Thalassery Taluk.	]	Appellant

Vs

M.P.Muhammed Musthafa, S/o. Kunhibava,	]	Respondent/
Residing at Shabnas, M.G.Road, Thalassery amsom	]	Respondent.
Vadikkakam desom, Thalassery Taluk	]	

This is an application filed by the petitioner U/s.18(2) of Kerala Buildings (Lease & Rent Control) Act, to stay the execution of the order passed by the Hon'ble Rent Controller (Munsiff), Thalassery dated 05-07-2025 and made in RCP No.95/2019 till disposal of appeal.

This petition coming on this day for hearing before me in the presence of Sri.Prasad.K.K, Advocate for the petitioner; Sri. K. Sankara Narayanan Advocate for respondent; the court passed the following.

ORDER

This is an application filed to stay the execution of the order passed by the Rent Control Court in RCP No.95/2019, wherein the Rent Control Court ordered eviction of the tenant under section 11(2)(b) of the Act.

2. The learned counsel for the petitioner/tenant submits that the contentions advanced before the trial court regarding the fact that the occupancy was a licence and not a lease was not properly considered by the trial court. It is further submitted that the landlord has filed an execution petition to evict the tenant. In view of the

aforesaid, I am satisfied that if an interim stay is not granted, it would cause serious prejudice to the petitioner and the entire appeal itself would become infructuous.

3. The learned counsel for the tenant submitted that the admitted arrears of rent is Rs.3,000/- per month. This fact is admitted by the tenant himself in the written statement filed before the Rent Control Court. The landlord has also filed a calculation statement stating that from the period 19.11.2019 to 31.01.2026, an amount of Rs.2,61,000/- was in arrears. The tenant has deposited Rs.1,00,000/- before the trial court. The balance amount comes to Rs.1,61,000/-. Therefore, it is prayed that if an interim order is passed the tenant may be directed to deposit the admitted arrears of rent.

3. Admittedly while granting stay the court has to power to impose reasonable conditions. In ***Abdul Razak P M v. K C Thomas and Others (2022 (4) KHC 260)***, the Hon'ble High Court held as follows.

"24. In the instant case, R.C.A.No.57 of 2021 pending before the Rent Control Appellate Authority is one filed by the tenant under S.18(1)(b) of the Act, against Ext.P4 order passed by the Rent Control Court in R.C.P. No.211 of 2019, under S.12(3) of the Act. The said appeal is one filed under S.18(1)(b) of the Act against an order made by the Rent Control Court on an application made by the landlord under S.11. When the obligation cast under S.12(1) is exclusively confined to an application for eviction filed under S.11 and to an appeal filed challenging an order passed on such an application, such an obligation cannot be extended for prosecuting an appeal instituted against an order passed by the Rent Control Court under S.12(3) of the Act. The obligation cast under S.12(1) of

the Act cannot be extended by the Appellate Authority for consideration of an interlocutory application for stay filed in such an appeal, for granting stay of the order passed by the Rent Control Court under S.12(3) of the Act. It would be certainly open to the Appellate Authority to impose any reasonable condition, considering the facts and circumstances of the case, for granting an order of stay, in case the appellant - tenant has made out a prima facie case for such an interim order.

25. By Ext.P5 order in I.A.No.2 of 2021 in R.C.A.No.57 of 2021, the Rent Control Appellate Authority allowed that interlocutory application and stayed all further proceedings pursuant to Ext.P4 order dated 01.10.2021 of the Rent Control Court in R.C.P.No.211 of 2019, on condition that, the appellant - tenant deposits the admitted arrears of rent as ordered by the court below on or before 07.04.2022 and also continue to pay admitted rent for the future months, till the disposal of that appeal. When the obligation cast under S.12(1) is exclusively confined to an application for eviction filed under S.11 and to an appeal filed challenging an order passed on such an application, such an obligation cannot be extended for prosecuting an appeal instituted against an order passed by the Rent Control Court under S.12(3) of the Act. Therefore, the Appellate Authority committed a manifest error in extending the obligation cast under S.12(1) of the Act, for consideration of an interlocutory application for stay filed in the appeal, for granting stay of Ext.P4 order passed by the Rent Control Court under S.12(3) of the Act. It is for the Appellate Authority to impose any reasonable condition, considering the facts and circumstances of the case, for granting an order of stay, in case the appellant - tenant has made out a prima facie case for such an interim order."

4. From the above judicial pronouncement, the Hon'ble High Court has held that even if the petitioner succeeds in proving the prima facie case, the Appellate Authority can grant interim stay by imposing reasonable conditions. I have perused the order of the trial court. Considering the fact that a huge amount of Rs.1,61,000/- is pending as arrears of rent, I am of the view that reasonable conditions can be imposed while granting stay. Therefore that there can be a direction to the petitioner to deposit an amount of Rs.1,20,000/- before the Rent Control Court which will come to 75% of the admitted arrears of rent.

5. Therefore, the order passed by the Rent Control Court in RCP No.95/2019 is stayed until the disposal of the appeal provided the petitioner deposits an amount of Rs.1,20,000/- within a period of 1 month from the date of this order before the trial court.

In the result, the petition is partly allowed.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me, in open court, on this the 23rd day of February, 2026.)

Sd/-
RENT CONTROL APPELLATE AUTHORITY/
ADDL. SESSIONS JUDGE-IV.

Fair/Copy of Order in
I.A.No. 03/2025 in R.C.A.
No.118/2025. dated
23-02-2026