

**IN THE COURT OF THE RENT CONTROL COURT/MUNSIFF OF  
PAYYANNUR**

Present: Smt.Greeshma.A.S, Munsiff, Payyanur  
Wednesday, the 18<sup>th</sup> day of February, 2026

**IA.No.03 of 2023 IN RCP No.29 of 2018**

- |   |   |             |
|---|---|-------------|
| 1. Tomy.J.Cherkkott, aged 59 years, S/o.Joseph, | ] |             |
| Partner, Archana Bar, Main Road, Payyannur-     | ] |             |
| 670307.   | ] |             |
| 2. Elamma Parakkattel, aged 66 years, W/o.John  | ] | Petitioners |
| Kallatt, Partner, Archana Bar, Main Road,       | ] |             |
| Payyannur-670 307.                              | ] |             |
| Vs.   |   |             |
| Meleth Suresh, aged 57 years,                   | ] |             |
| S/o.Chandrasekharan Nair, Room.No.P.M.C         | ] | Respondent  |
| XXI/1931, Shanmugha Stores, Dwaraka Tourist     | ] |             |
| Home, Payyannur-670 307.                        | ] |             |

**RCP.No.30/2018**

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|---|---|-------------|
| 1. Tomy.J.Cherkkott, aged 59 years, S/o.Joseph, | ] |             |
| Partner, Archana Bar, Main Road, Payyannur-     | ] |             |
| 670307.   | ] |             |
| 2. Elamma Parakkattel, aged 66 years, W/o.John  | ] | Petitioners |
| Kallatt, Partner, Archana Bar, Main Road,       | ] |             |
| Payyannur-670 307.                              | ] |             |
| Vs.   |   |             |
| K.R.Praveen Kumar, aged 56 yers,                | ] |             |
| S/o.K.V.Kunhiraman, Room.No.PMC XXI/1928,       | ] | Respondent  |
| Apsara Textiles, Dwaraka Tourist Home,          | ] |             |
| Payyannur-670 307.                              | ] |             |

**RCP.31/2018**

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|---|---|-------------------|
| 1. Tomy.J.Cherkkott, aged 59 years, S/o.Joseph,<br>Partner, Archana Bar, Main Road, Payyannur-<br>670307.         | ] |                   |
|   | ] |                   |
| 2. Elamma Parakkattel, aged 66 years, W/o.John<br>Kallatt, Partner, Archana Bar, Main Road,<br>Payyannur-670 307. | ] | Petitioners       |
|   | ] |                   |
| Vs.   |   |                   |
| 1. M.Abdulla (Died)   | ] | Respondent        |
| 2. Ullithuruthummam Khadeeja, aged 62 years,<br>W/o.Late.M.Abdulla.   | ] | Impleaded         |
| 3. Ullithuruthummam Subaida, aged 47 years,<br>D/o.Late.M.Abdulla.  | ] | Supplemental      |
|   | ] | Respondents Nos.2 |
|   | ] | to 6              |
| 4. Ullithuruthummam Rasheeda, aged 43 years,<br>W/o.Late M.Abdulla.   | ] |                   |
| 5. Ullithuruthummam Abida, aged 41 years,<br>W/o.Late.M.Abdulla.  | ] |                   |
| 6. Ullithuruthummam Sainul Abid, aged 36 years,<br>W/o.Late.M.Abdulla   | ] |                   |
| All are residing at Ramanthali amsom,<br>Vadakkumbad desom, Payyannur Taluk.                                      | ] |                   |

**RCP.34/2018**

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|--|---|-------------|
| 1. Tomy.J.Cherkkott, aged 59 years, S/o.Joseph,<br>Partner, Archana Bar, Main Road, Payyannur-<br>670307.                              | ] |             |
|  | ] |             |
| 2. Elamma Parakkattel, aged 66 years, W/o.John<br>Kallatt, Partner, Archana Bar, Main Road,<br>Payyannur-670 307.                      | ] | Petitioners |
|  | ] |             |
| Vs.  |   |             |
| Kuruppillath Ahammed, aged 57 years, S/o.Abdul<br>Rahiman, Room.No.XXI/1932, Dubai Bazar,<br>Dwaraka Tourist Home, Payyannur- 670 307. | ] | Respondent  |
|  | ] |             |

**RCP.37/2018**

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|---|---|-------------|
| 1. Tomy.J.Cherkkott, aged 59 years, S/o.Joseph, | ] |             |
| Partner, Archana Bar, Main Road, Payyannur-     | ] |             |
| 670307.   | ] |             |
| 2. Elamma Parakkattel, aged 66 years, W/o.John  | ] | Petitioners |
| Kallatt, Partner, Archana Bar, Main Road,       | ] |             |
| Payyannur-670 307.                              | ] |             |

Vs.

- |  |   |             |
|--|---|-------------|
| 1. M.M.Abdul Sathar (Died), S/o.Abdulla,           | ] |             |
| Room.NO.PMC XXI/1929, Shoe Center, Dwarak          | ] |             |
| Tourist Home, Payyannur-670 307.                   | ] |             |
|  | ] |             |
| 2. M.M.Kunhabdulla, S/o.Mayin Haji,                | ] |             |
| Room.NO.PMC XXI/1929, Shoe Center, Dwarak          | ] |             |
| Tourist Home, Payyannur-670 307.                   | ] |             |
| 3. A.V.Muhammed Rafeeque (Died)                    | ] |             |
| 4. A.P.Mukthar, S/o.Muhammed, Room.NO.PMC          | ] |             |
| XXI/1929, Shoe Center, Dwarak Tourist Home,        | ] |             |
| Payyannur-670 307.                                 | ] | Respondents |
| <u>Supplemental Respondents:-</u>                  | ] |             |
| 5. M.V.C.Ayisha, aged 52 years, W/o.Late           | ] |             |
| A.V.Muhammed Rafeeque.                             | ] |             |
| 6. M.V.C Shuroor, aged 18 years,                   | ] |             |
| S/o.A.V.Muhammed Rafeeque.                         | ] |             |
| 7. M.V.C.Shuhaib, aged 15 years (Minor),           | ] |             |
| S/o.A.V.Muhammed Rafeeque.                         | ] |             |
| 8. M.V.C Shubaiba, aged 12 years (Minor),          | ] |             |
| D/o.A.V.Muhammed Rafeeque                          | ] |             |
| Minors represented by Guardian Mother              | ] |             |
| Supplemental Respondent Nos.5 to 8 are residing at | ] |             |
| M.V.C Manzil, Near P.M.G Hospital, Padanna,        | ] |             |
| Padanna Village, Hosdurg Taluk, Kasaragod          | ] |             |
| District.  | ] |             |

**RCP.38/2018**

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|---|---|-------------|
| 1. Tomy.J.Cherkkott, aged 59 years, S/o.Joseph,<br>Partner, Archana Bar, Main Road, Payyannur-<br>670307.         | ] |             |
|   | ] |             |
|   | ] |             |
| 2. Elamma Parakkattel, aged 66 years, W/o.John<br>Kallatt, Partner, Archana Bar, Main Road,<br>Payyannur-670 307. | ] | Petitioners |
|   | ] |             |
|   | ] |             |

Vs.

- |   |   |             |
|---|---|-------------|
| 1. Abdul Salam, aged 74 years, S/o.Kunhamina,<br>Room.No.PMC.XXI/1930, Dwaraka Toursit Home,<br>Payyannur -670 307. | ] |             |
|   | ] | Respondents |
|   | ] |             |
|   | ] |             |
| 2. Abid, Room.No.PMC.XXI/1930, Dwaraka Toursit<br>Home, Payyannur -670 307.   | ] |             |
|   | ] |             |
|   | ] |             |

**RCP.39/2018**

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|---|---|-------------|
| 1. Tomy.J.Cherkkott, aged 59 years, S/o.Joseph,<br>Partner, Archana Bar, Main Road, Payyannur-<br>670307.         | ] |             |
|   | ] |             |
|   | ] |             |
| 2. Elamma Parakkattel, aged 66 years, W/o.John<br>Kallatt, Partner, Archana Bar, Main Road,<br>Payyannur-670 307. | ] | Petitioners |
|   | ] |             |
|   | ] |             |

Vs.

- |   |   |             |
|---|---|-------------|
| 1. Siyali Muhammed, aged 57 years, S/o.T.K.Abdulla<br>Haji, Room.No.P.M.C XXI/1938, Dwaraka Tourist<br>Home, Payyannur-670 307. | ] |             |
|   | ] | Respondents |
|   | ] |             |
|   | ] |             |
| 2. Najeeb Azees, Proprietor, Grace Mobile Shop,<br>Room.No.P.M.C XXI/1938, Dwaraka Tourist<br>Home, Payyannur-670 307.          | ] |             |
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**RCP.43/2018**

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|--|---|-------------|
| 1. Tomy.J.Cherkkott, aged 59 years, S/o.Joseph,<br>Partner, Archana Bar, Main Road, Payyannur-<br>670307.                              | ] |             |
|  | ] |             |
|  | ] |             |
| 2. Elamma Parakkattel, aged 66 years, W/o.John<br>Kallatt, Partner, Archana Bar, Main Road,<br>Payyannur-670 307.                      | ] | Petitioners |
|  | ] |             |
|  | ] |             |
| Vs.  |   |             |
| T.C.Noorudheen, aged 62 years, S/o.Hamsa Haji,<br>Room No.P.M.C-XXI/1927, Arafath Stores,<br>Dwaraka Tourist Home, Payyannur- 670 307. | ] | Respondent  |
|  | ] |             |
|  | ] |             |

**RCP.44/2018**

- |  |   |             |
|--|---|-------------|
| 1. Tomy.J.Cherkkott, aged 59 years, S/o.Joseph,<br>Partner, Archana Bar, Main Road, Payyannur-<br>670307.                              | ] |             |
|  | ] |             |
|  | ] |             |
| 2. Elamma Parakkattel, aged 66 years, W/o.John<br>Kallatt, Partner, Archana Bar, Main Road,<br>Payyannur-670 307.                      | ] | Petitioners |
|  | ] |             |
|  | ] |             |
| Vs.  |   |             |
| Khaleel Bhappi, aged 37 years, S/o.Rasheeda,<br>Room.No.P.M.C-XXI/1936, Nokia Star Mobile,<br>Dwaraka Tourist Home, Payyannur-670 307. | ] | Respondent  |
|  | ] |             |
|  | ] |             |

Petition filed under section 151 of the Kerala Building (Lease and Rent Control) Act 1965.

Court Fee paid ₹2/-only.

This petition is coming on this day for hearing before me in the presence of S/S.K.Vijayakumar and Mithra.G.R, Advocates for the Petitioners in all RCPs; of Sri.C.Narayanan Nair, Advocate for the Respondent in RCP.No.29/2018; of Sri.V.K.Raveendaran, Advocate for the Respondents in RCP.30/2018, RCP.31/2018 and RCP.No.38/2018; of Sri.M.V.Amaresan and Ranjana.S, Advocates for the respondents in RCP.34/2018 and respondent No.1 in RCP.39/2018; of Sri.M.M.Anto, Advocate for the Respondent No.1, 2, 5, 6 and 7 in RCP.37/2018; of Sri.Zainudheen, advocate for the respondent in RCP.43/2018; of Sri.M.Ajithkumar, Advocate for the respondent in RCP.44/2018 and and the Court passed the following:-

### **ORDER**

This petition is filed for seeking joint trial of RCP 30/2018, 31/2018, 34/2018, 37/2018, 38/2018, 39/2018, 43/2018 and 44/2018 with RCP 29/2018.

2. The petitioner contended that the petitioner and the subject matter in all the RCP's are same and if the petition is not allowed it would cause irreparable injury to the petitioner. It is contended that the evidence of the petitioner in all the Rent Control petitions are same. Hence, the RCP 30/2018, 31/2018, 34/2018, 37/2018, 38/2018, 39/2018, 43/2018 and 44/2018 are to be tried along with the RCP 29/2018. Hence, the petition.

3. The 1<sup>st</sup> respondent in RCP 29/2018 filed counter statement alleging that the petition is not maintainable either in law or on facts. The parties and their contentions and documents are different. The evidence to be adduced also different. Also the conditions in which the room let out are different. Hence, the petition is liable to be dismissed.

4. Respondent in RCP 31/2018 filed counter statement contending that the joint trial is not maintainable in this case. There is no merit at all in the above petition. The petitioner has filed IA 1035/2019 before this court for joint trial and the respondent has filed counter also. The contentions of the parties in each petitions are different and distinct. The need projected by the petitioner is not in existence now. Some petitions were already disposed. The petitioner has new case as per the petition. Since the parties are different, joint trial cannot be ordered in this case. The respondent has already raised objection in trying all the petitions jointly. Hence the petition is liable to be dismissed.

5. The respondent in RCP 34/2018 filed counter statement alleging that the petition is not maintainable either in law or on facts. The parties and their contentions and documents are varied. The evidence to be adduced also different. Also the conditions in which the room let out are different. Hence, the petition is liable to be dismissed.

6. The respondent in RCP 38/2018 filed counter statement alleging that the petition is not maintainable either in law or on facts. The respondent denies all the averments in the petition. The above case need not be tried along with the cases mentioned in the petition. The above petition is filed seeking eviction of tenants under Section 11(4)(i) and 11(8) of Kerala Building Lease and Rent Control Act. The grounds alleged in the petition is entirely different from that of the other petitions. The parties, issues and facts are different. Hence, the petition is liable to be dismissed.

7. The respondent in RCP 43/2018 filed counter statement alleging that the petition is no maintainable either in law or on facts. The respondent denies all the averments in the petition. The joint trial petition is pending before this court. The petition is premature and net maintainable at this stage

of this case. There is no bonafide in the side of the petitioner to file the joint trial petition. Hence, the petition is liable to be dismissed.

8. The respondent in RCP 44/2018 filed counter statement alleging that the petition is not maintainable either in law or on facts. The parties and their contentions and documents are different. The evidence to be adduced also different. Also the conditions in which the room let out are different. Hence, the petition is liable to be dismissed.

9. Heard both sides.

10. Based on the averments following point is raised for consideration:-

1. Whether the petition is allowable?

11. **Point No.1:-** All the RCPs are filed by the same petitioner. According to the petitioner, the needs alleged in all the petitions are the same. All the RCPs are the same. The respondents filed a counter stating that the contention of each tenant in each RCP is different. Also, the evidence to be adduced is different. According to the respondents, the parties and their contentions and documents are different. The evidence to be adduced also different. Also, the conditions in which the room let out are different. The petition is filed for joint trial of RCP 29/2018, RCP 30/2018, RCP 31/2018, RCP 34/2018, RCP 37/2018, RCP 38/2018, RCP 39/2018, and 43/2018 and 44/2018. RCP 29/2018 is filed under Section 11(8) of the Kerala Building lease and Rent Control Act. RCP 30/2018 is filed under Section 11(8), RCP 31/2018 is filed under Section 11(8), RCP 34/2018 is filed under Section 11(8), RCP 37/2018 is filed under Section 11(4)(i) & 11(8), RCP 38/2018 is filed under Section 11(4) (i) & 11(8), RCP 39/2018 is filed under Section 11(4)(i) & 11(8), RCP 43/2018 is filed under Section 11(8) and RCP 44/2018 is filed under Section 11(8) of the Kerala Buildings Lease and Rent

Control Act.

12. **Section 11(8) Kerala Buildings Lease and Rent Control Act :**

A landlord who is occupying only a part of a building may apply to the Rent Control Court for an order directing any tenant occupying the whole or any portion of the remaining part of the building to put the landlord in possession thereof, if he requires additional accommodation for his personal use.

13. **Section 11(4)(i) Kerala Buildings Lease and Rent Control Act :**

A landlord may apply to the Rent Control Court for an order directing the tenant to put the landlord in possession of the building,— (i) if the tenant after the commencement of this Act, without the consent of the landlord, transfers his right under the lease or sub- lets the entire building or any portion thereof if the lease does not confer on him any right to do so; or

14. As already discussed in the foregoing paragraph, the RCP 30/2018 is filed under Section 11(8), RCP 31/2018 is filed under Section 11(8), RCP 34/2018 is filed under Section 11(8), RCP 43/2018 is filed under Section 11(8) and RCP 44/2018 is filed under Section 11(8) of the Kerala Buildings Lease and Rent Control Act. RCP 37/2018 is filed under Section 11(4)(i) & 11(8), RCP 38/2018 is filed under Section 11(4) (i) & 11(8), RCP 39/2018 is filed under Section 11(4)(i) & 11(8).

15. In RCP 30/2018, RCP 31/2018, RCP 34/2018, RCP 43/2018, RCP 44/2018 are filed under Section 11(8), as the landlord/petitioner requires additional accommodation for his personal use. The RCP 37/2018, 38/2018 and 39/2018 are filed under Section 11(4)(i) and Section 11(8). As regards to Section 11(4)(i), the facts to be proved, documents to be produced, the points to be decided and the oral evidence to be adduced are different,

the persons to whom the tenant has given the petition schedule room for sub lease are different, the evidence in each cases are different and if it is clubbed along with other RCPs in which, Section 11(8) is the only relief sought, it will cause prejudice to the tenants and will also cause embarrass or delay in the trial in those RCP were the relief sought is only S.11(8) and not S.11(4) (i) . Also, the evidence to be adduced is different. Hence if RCP 29/2018, RCP 30/2018, RCP 31/2018, RCP 34/2018, RCP 43/2018 and RCP 44/2018 is clubbed with RCP 37/2018, 38/2018, 39/2018 it will cause prejudice to the parties herein.Hence the petition is partly allowed, allowing joint trial of RCP 29/2018, RCP 30/2018, RCP 31/2018, RCP 34/2018, RCP 43/2018 and RCP 44/2018 in which the relief sought is only Section 11(8) and RCP 29/2018 is taken as the leading case. RCP 37/2018, RCP 38/2018, RCP 39/2018 are to be separately tried.

**In the result**, the petition is partly allowed as follows:-

- 1) RCP 29/2018, RCP 30/2018, RCP 31/2018, RCP 34/2018, RCP 43/2018 and RCP 44/2018 are tried together as join trial.
- 2) RCP 29/2018 is the taken as the leading case.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court, this the 18<sup>th</sup> day of February 2026).

Sd/-  
Rent Control Court/ Munsiff.