

**IN THE COURT OF RENT CONTROL APPELLATE AUTHORITY,
IRINJALAKUDA**

Present:- Sri.Vinod Kumar N., Rent Control Appellate Authority
Tuesday, 31st March, 2026/ 10th Chaithra, 1948

RCA. No.8/2026
**(I.A.3/2024 in R.C.P.10/2023 of Rent Control Court,
Chalakydy)**

Appellant:-

Jeena, aged 45 years,
W/o. Vadakke Pathanakuzhiyil Veetil Martin Joseph,
Kizhakke Chalakydy Desom & Village, Chalakydy Taluk.

By Adv. K.Saji

Respondents:-

1. J.J.Kottooran @ Jojo Joseph, aged 65 years,
S/o. Kottooran Joseph, Irinjalakuda Desom & Village,
Mukundapuram Taluk.
2. Thomas, aged 52 years, S/o. Kottooran Joseph,
Irinjalakuda Desom & Village, Mukundapuram Taluk.

This appeal has come up before me for hearing on this day the court delivered the following:-

J U D G M E N T

This appeal is preferred under section 18(1)(b) of the Kerala Building (Lease and Rent Control) Act, 1965 against the order dated 01/12/2025 passed by the Rent Control Court, Chalakydy in I.A.3/2024 in RCP 10/2023.

2. The appellant herein is the tenant and the respondents herein are the landlords before the Rent Control Court. The appellant/tenant filed the appeal against the order in I.A.3/2024 in RCP 10/2023 whereby the appellant/tenant is directed to deposit an amount of ₹5,84,600/- which is the admitted rent arrears within a period of four weeks from today and thereafter continue to pay rent at the rate of ₹15,800/- which subsequently accrues within 2 weeks from the date on which the rent becomes due.

3. Aggrieved by the said order of the Rent Control Court, the appeal is filed before the Rent Control Appellate Authority (District Court),

Thrissur. The Rent Control Appeal was made over to this Rent Control Appellate Authority for hearing and disposal according to law.

4. Heard the counsel for the appellant.

5. The points that arise for consideration in this appeal are as follows :

1. Whether the appeal against the order in I.A.3/2024 in RCP 10/2023 is maintainable?

2. Whether the order of the Rent Control Court requires to be reversed, varied or modified?

6. **Point No.1 :-** Now the issue to be decided is whether the appeal filed against the order in I.A.3/2024 in RCP 10/2023 dated 01/12/2025 is maintainable or not. The impugned order would show that the petition I.A.3/2024 was filed by the landlords under section 12 of the Kerala Buildings (Lease and Rent Control) Act claiming arrears of rent from 19/10/2021 onwards. After hearing the parties, the impugned order was passed directing the tenant to deposit an amount of ₹5,84,600/- which is the admitted rent arrears within a period of four weeks from today and thereafter continue to pay rent at the rate of ₹15,800/- which subsequently accrues within 2 weeks from the date on which the rent becomes due.

7. In ***Siddharthan v. Hassankutty Haji (1994 KHC 363)*** the Hon'ble High Court of Kerala held that, "*what is challenged in appeal is an interlocutory order in the rent control petition which itself cannot be said to have determined the rights of parties finally nor can it be said that it affects some right or liability of any party. The Rent Control Court has only directed the tenant to pay the arrears of rent or to show cause why further proceedings should not be stopped and the landlord put in possession of the building. It is up to the tenant either to pay the arrears or to show cause why an order directing the tenant to put the landlord in possession should not be passed. Instead of either paying the arrears or showing cause the tenant has rushed to the Appellate Authority*

challenging that order. S.18 does not permit the tenant to challenge such an order in appeal”.

8. The impugned order would show that, the order is passed under section 12(1) of the Kerala Building (Lease and Rent) Control Act. Admittedly, the appeal is filed not against the final order passed under section 12(3) of the Act. Since, the appeal is filed against the interlocutory order which only directed the appellant herein to pay an amount of ₹5,84,600/- which is the admitted rent arrears within a period of four weeks and thereafter continue to pay rent at the rate of ₹15,800/- which subsequently accrues within 2 weeks from the date on which the rent becomes due, the appeal is not maintainable.

9. **Point No.2** : - In the light of the finding in point No.1, the appeal against the order in I.A.3/2024 in RCP 10/2023 dated 01/12/2025 of the Rent Control Court, Chalakudy is liable to be dismissed as not maintainable.

In the result, the appeal is dismissed as not maintainable.

(Dictated to the confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court, dated this the 31st day of March, 2026).

Sd/-
Vinod Kumar. N.,
Rent Control Appellate Authority,
Irinjalakuda

Appendix – Nil

Id/-
Vinod Kumar. N.,
Rent Control Appellate Authority,
Irinjalakuda

/True copy /

By order

Sheristadar

Copied by: Baby C F
Compared by: Ansar V H