



2025:KER:31679

R.C.Rev. No.51 of 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR.JUSTICE P. KRISHNA KUMAR

FRIDAY, THE 11TH DAY OF APRIL 2025 / 21ST CHAITHRA, 1947

RCREV. NO. 51 OF 2025

**AGAINST THE JUDGMENT DATED 24.10.2024 IN RCA NO.61 OF
2024 OF ADDITIONAL DISTRICT COURT KOZHIKODE- II ARISING OUT
OF THE ORDER DATED 27.02.2024 IN RCP NO.80 OF 2022 OF
PRINCIPAL MUNSIF COURT ,KOZHIKODE-II**

REVISION PETITIONER/APPELLANT IN RCA/RESPONDENT NO.1 IN RCP:

**CITY CO-OP HOSPITAL LTD. REPRESENTED BY ITS
PRESIDENT P.MOIDEEN, AGED 75 YEARS, S/O. UNNIMOYI,
SNEHAM HOUSE, PARAMBATH, PERUMANNA, KOZHIKODE.,
PIN - 673 019**

**BY ADVS.
M.SHAJNA
K.M.FIROZ
NAYANA K.UMESH**

**RESPONDENTS/RESPONDENTS IN RCA/PETITIONERS 1 & 2 AND
RESPONDENT NO.2 IN RCP:**

- 1 ABDUL HAMEED, AGED 54 YEARS, S/O. E. MAMMED,
PULIYALIPARAMBIL, ERANJIKKAL HOUSE, FEROKE AMSOM,
NALLUR DESOM, P.O. FEROKE, KOZHIKODE., PIN - 673
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- 2 HAIRUNNISA, AGED 45 YEARS, W/O. E.ABDUL HAMEED,
PULIYALIPARAMBIL, ERANJIKKAL HOUSE, FEROKE AMSOM,
NALLUR DESOM, P.O., FEROKE,KOZHIKODE., PIN - 673
631

- 3 FEMINA.K, AGED 47 YEARS, AGED 47, THE SECRETARY,
THE CITY CO-OPERATIVE HOSPITAL LTD.,) REG., NO.
2818) PO, NALLALAM, KOZHIKODE-673027., PIN - 673
027

THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION
ON 11.04.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



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ORDER

A. Muhamed Mustaque, J.

The tenant has come up with this revision petition challenging an order passed under Section 12(3) of the Kerala Buildings (Lease and Rent Control) Act, 1965 (for short, "Act"). The tenant was inducted on 01.02.2019, on monthly rent of Rs.1,45,000/-. So far, the tenant paid only Rs.15,00,000/-. The Rent Control Court passed an order directing the tenant to pay Rs.56,75,000/- , calculating the rent arrears from 01.02.2019 till 28.02.2023. This was not paid. Consequently, an order under Section 12(3) of the Act was passed. This was challenged before the Appellate Authority and the Appellate Authority affirmed the order of the Rent Control Court. According to the tenant, he is not liable to pay the rent as he is not able to use the building for the purpose for which it was taken. The tenant is a co-operative society. The tenant intends to start a hospital. It is submitted that on account of non co-operation of the landlord, the tenant could not obtain license from the Kozhikode Corporation.

2. We are not impressed with this argument. The



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tenant is liable to pay the rent. Merely for the reason that the tenant could not start the business, he cannot deny the payment. If the tenant has been denied the authorisation by the landlord and consequently the tenant suffered any loss, it is a matter that has to be decided elsewhere, not in a Rent Control Petition. With a liberty to agitate such issue before the civil court, we are of the view that the impugned orders are to be affirmed, and accordingly we do so. However, the Execution Court shall ensure that the tenant is permitted to remove all movables attached to the tenanted premises.

The Rent Control Revision is dismissed as above.

Sd/-

**A.MUHAMED MUSTAQUE
JUDGE**

Sd/-

**P. KRISHNA KUMAR
JUDGE**

PR



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APPENDIX OF RCREV. 51/2025

PETITIONER ANNEXURES

- Annexure A-1** **A TRUE COPY OF THE LAWYER NOTICE ISSUED
ON BEHALF OF THE PETITIONERS/LANDLORDS
DATED 10.05.2021**
- Annexure A-2** **TRUE COPY OF THE REPLY NOTICE DATED
25.06.2021 SENT BY THE PETITIONERS**
- Annexure A-3** **TRUE COPY OF THE FIR NO. 47/2022 LODGE
BY THE NALLALAM POLICE STATION UNDER
SECTION 448, 227 OF IPC**
- Annexure A-4** **TRUE COPY OF THE MEMORANDUM OF THE WRIT
PETITION NUMBERED AS WP (C) NO
20062/2022 FILED BY THE PETITIONER
BEFORE THE HON'BLE HIGH COURT OF KERALA.**
- Annexure A-5** **TRUE COPY OF THE JUDGMENT DATED
20/07/2022 IN WP (C) NO 20062/2022
PASSED BY THE HON'BLE HIGH COURT OF
KERALA.**
- Annexure A-6** **TRUE COPY OF THE RELEVANT PAGES OF THE
MINUTES OF THE MEETING DATED 02.03.2023
OF THE CORPORATION COUNCIL, KOZHIKODE
CORPORATION.**