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SLP(C)No. 4189 OF 2004
ITEM No.16

Court No. 3

SECTION XIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.4189/2004

(From the judgement and order dated 17/12/2003 in CRP 1628/97
of The HIGH COURT OF KERALA AT ERNAKULAM)

G. REGHUNATHAN

Petitioner (s)

VERSUS

K.V. VARGHESE

Respondent (s)

(With Appln(s). for exemption from filing O.T. and exemption from filing O.T.)
(With prayer for interim relief)

Date : 12/03/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner (s)Mr. P. P. Rao, Sr. Adv.
Mr. C.K. Sasi, Adv.

For Respondent (s)

UPON hearing counsel the Court made the following

O R D E R

The learned counsel for the petitioner submits that the petitioner could not have been held defaulting in view of the law laid down by this Court in 1989 (2) SCC 686 and that the case pleaded by the respondent-landlord and found proved by the High Court, does not fall within the phraseology employed in clause 2 of Sub-section 4 of Section 11 of the Kerala Building (Lease and Rent) Act, 1964.

Issue notice.

Until further orders the possession of the petitioner over the suit premises shall remain protected.

Ritu Chawla
(Radha R. Bhatia)

Court Master