

**(2011) 04 KL CK 0018**

**High Court Of Kerala**

**Case No:** O.P. (Rent Control) No. 1538 of 2011

Kadavath Kuniyil  
Rahees

APPELLANT

Vs

Chovvakkaran  
Parakkad Muhammed

RESPONDENT

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**Date of Decision:** April 19, 2011

**Hon'ble Judges:** S. Siri Jagan, J; M.L. Joseph Francis, J

**Bench:** Division Bench

**Advocate:** C.M. Mohammed Iquabal, for the Appellant; No Appearance, for the Respondent

**Final Decision:** Dismissed

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### **Judgement**

S. Siri Jagan, J.

The Petitioner in this Original Petition is the tenant in a rent control proceedings. The Rent Control Court ordered eviction. The appellate authority confirmed the same. The Petitioner approached this Court and suffered Ext.P1 judgment in R.C.R. No. 218/10, wherein, this Court directed as follows:

17. In the peculiar facts and circumstances of the case, we are satisfied that Petitioner can be granted six months" time to give vacant possession of the building to the Respondent/landlord. We do so on the following conditions.

18. Petitioner-tenant shall file an affidavit before the Rent Control Court undertaking to give vacant possession on or before March 31, 2011. The affidavit shall be filed on or before October 15, 2010.

19. Petitioner shall pay the entire arrears of rent, if any, to the landlord on or before October 15, 2010 and continue to pay the rent every month till he vacates the premises.

20. If the Petitioner fails to file the undertaking and remit arrears of rent as directed above, the revision petition shall stand dismissed.

2. The Petitioner now submits that Petitioner has already moved a SLP before the Supreme Court and therefore, the execution proceedings should be stayed. We are of opinion that essentially, what the Petitioner seeks is stay of Ext.P1 judgment of this Court itself, which cannot be permitted under law. If the Petitioner wants stay of Ext.P1, the Petitioner should get it from the Supreme Court. The Petitioner could not also point out any provision of law which confers any right on the Petitioner to seek such a relief from this Court. In the above circumstances, we do not find any merit in this Original Petition and accordingly, the same is dismissed.