

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
MISCELLANEOUS APPLICATION NO.2892 OF 2018  
WITH  
INTERLOCUTORY APPLICATION NO.149116 OF 2018  
IN  
CIVIL APPEAL NO.5686 OF 2018

ASHOK JACOB

PETITIONER(S)

VERSUS

J. RAM KUMAR

RESPONDENT(S)

O R D E R

We notice based on the order dated 20.12.2016 there is an order dated 20.03.2017 under section 12(3) of The *Kerala Buildings (Lease and Rend Control) Act, 1965*. We do not think that we should grant any relief as sought in the Miscellaneous Application.

Accordingly, the Miscellaneous Application stands dismissed.

Pending application(s), if any, stands disposed of.

.....J.  
[K.M. JOSEPH]

.....J.  
[PAMIDIGHANTAM SRI NARASIMHA]

New Delhi  
18<sup>th</sup> November, 2021



## O R D E R

SLP (C) NO.11928/2020 WITH SLP(C) NOS.12460-12461/2021 AND SLP(C) NO.18301/2021

After having heard the learned counsel for the parties, we are not inclined to interfere with the Special Leave Petitions.

Mr. Roy Abraham, learned counsel for the petitioner points out that he deposited a sum of Rs. 26,00,000/- in compliance of order dated 16.04.2019 passed by this Court. According, to him that represented the rent due as on that day.

According to the petitioner, the amount of Rs. 26,00,000/- represented the amount of admitted arrears. He, therefore, prays that when this Court is not accepting the request to set aside the order under Section 12(3) of *The Kerala Buildings (Lease And Rent Control) Act, 1965* and grant relief otherwise the Court may direct to return the amount that was deposited by him. This is objected to Mr. Liju V. Stephen, learned counsel for the respondent. We notice that the order was dated 16.04.2019. We would take the view that the interest of justice would require that after deducting a sum of Rs.11,10,000/- which would be the rent due for a period of 30 months from 16.04.2019 the amount remaining, namely, 14,90,000/- must be returned to the petitioner. It is accordingly so ordered.

Out of the amount of Rs.26,00,000/- petitioner is free to withdraw a sum of Rs.14,90,000/- from the Rent Control Court. It will be open to the respondent-landlord to appropriate towards the rent for the period as already noted the balance amount of Rs.11,10,000/-. It can be withdrawn by the respondent-landlord. We leave it open to the landlord-respondent to seek remedies as

regards any amount due towards arrears of rent.

Accordingly, the Special Leave Petitions stands dismissed.

Pending application(s), if any, stands disposed of.

MA No.2892/2018 in C.A. No.5686/2018

The Miscellaneous Application stands dismissed in terms of the signed order.

Pending application(s), if any, stands disposed of.

(JAGDISH KUMAR)  
COURT MASTER (SH)

(RENU KAPOOR)  
BRANCH OFFICER

(Signed Order in Miscellaneous Application No.2892 of 2018 in Civil Appeal No.5686 of 2018 is placed on the file)