

IN THE COURT OF THE RENT CONTROLLER/ MUNSIF, VATAKARA.

Present: Sri. Yadukrishnan.B, Rent Controller/Munsiff

Monday, the 30th day of October, 2023**R.C.P. No. 51/2022****Between:**

Nanu, S/o Chekkon, 68 years,
Kizhakkayil house, Eramala Village,
Orkkatteri desom, Vatakara Taluk,
Kozhikode District.


 Petitioner
And:

1. Nademmal Leela, W/o Late Anandan,
71 years, Nademmal house,
Eramala amsom, Orkkatteri desom,
Orkkatteri post, Pin- 673 501,
Vatakara Taluk, Kozhikode District.

2. Shaji, 51 years, W/o Vattakandiyil Babu,
Meethal house, Edachery amsom desom,
Edachery post, Pin- 673 502,
Vatakara Taluk, Kozhikode District.

3. Jayaprakasan, S/o Late Anandan,
49 years, Gulf, Nademmal house,
Eramala amsom, Orkkatteri desom,
Orkkatteri post, Pin- 673 501,
Vatakara Taluk, Kozhikode District.

4. Shyma, W/o Vazhayil Rajan, 47 years,
Vazhayil house, Eramala amsom desom,
Eramala post, Pin- 673 501,
Vatakara Taluk, Kozhikode District.

5. Udayakumar, S/o Late Anandan, 45 years,
Nademmal house, Eramala amsom,
Orkkatteri desom, Orkkatteri post,
Pin- 673 501, Vatakara Taluk,
Kozhikode District.


 Respondents

This petition coming on this day for hearing before me in the presence of Sri. K.P. Pradeepan, Advocate for the petitioner and respondents reported no instruction and was proceeded exparte (Sri. K.P. Dinesan and Smt. Shyni Dinesan, Advocates filed vakalath for respondents No. 1,2, 4 & 5), this Court passed the following.

ORDER

This is the order in the above petition filed under Sections 11(3) of The Kerala Buildings (Lease and Rent Control) Act, 1965 (hereinafter referred to as 'The Act').

2. The petition averments, in brief, are as follows:- The petition schedule building absolutely belong to the petitioner and has been leased out to the respondents for a monthly rent of Rs. 300/- for the purpose of conducting a Tea Shop. At present, the monthly rent was enhanced to Rs. 300/- per month. The petitioner was doing business abroad and at present he has lost his job and returned back to his homeland. The petitioner bonafidely required the petition schedule building to start a business of household items. The respondents are not conducting any business at the petition schedule shop room. There are no vacant buildings available for this petitioner to start his business. Hence the present petition is sought to evict the respondents on the ground of bonafide need u/s. 11(3) of the Act.

3. Though the respondents filed their objection, respondents reported no instructions and was proceeded exparte.

4. From the side of petitioner, he was examined as PW1 and documents marked as Exts. A1 to A3. The petitioner filed proof affidavit also.

5. Heard the side of petitioner.

6. The points that arise for determination are as follows:-

(1) Whether the petitioner is entitled to claim relief u/s. 11(3) of the Kerala Buildings (Lease and Rent Control) Act?

(2) Reliefs & costs ?

9. **Point No.1:-** Regarding the bonafide need the petitioner has categorically stated his need in the petition as well as the proof affidavit. The respondents has not challenged the need stated by the petitioner. Since they are proceeded ex-parte, the need of the petitioner is bonafide and is entitled for eviction of tenants by virtue of Sec.11(3) of the Act. Point found accordingly.

10. **Point No.(2):-** On the basis of the discussions held in points no.1 Rent Control Petition is allowed as follows:-

In the result, an order of eviction is passed u/s. 11(3) of the Act. The respondents are directed to vacate the petition schedule building and to hand over the same to the petitioner within a period of one month from the date of this order. The petitioner is entitled to get the costs of the petition.

In the result, the R.C.P is allowed with costs.

(Dictated to C.A, typed by her in Office Computer, corrected and pronounced by me in Open Court, on this the 30th day of October, 2023)

Sd/-

**RENT CONTROLLER / MUNSIF,
VATAKARA.**

Petitioner's Witness

PW1 30.10.2023 : Nanu K, S/o Chekkon.

Petitioner's Exhibits:

- A1 20.03.1989 : Registered Assignment deed executed by Anandan in favour of Krishnan and Nanu.
- A2 21.04.2022 : Copy of building tax receipt issued by Eramala Grama Panchayath to Nanu.
- A3 21.08.2015 : Passport in the name of Nanu.

Respondent's Witness : NIL

Respondent's Exhibits : NIL

Sd/-

**RENT CONTROLLER / MUNSIFF,
VATAKARA.**