

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

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

Wednesday, the 6th day of December, 2023**R.C.P. No. 88/2022****Between:**

- Shabab, S/o Musthafa, 30 years, Kottappurath, Puthiya Purayil house, Kurumathoor amsom desom, Thaliparambu Taluk, Kannur District.
2. Pulikkool Ashraf Haji, S/o Mammu Haji, 48 years, Nadapuram amsom, Varikkoli desom, Vatakara Taluk, Kozhikode District.
3. Pulikkool Anas, S/o Mammu Haji, 47 years, Nadapuram amsom, Varikkoli desom, Vatakara Taluk, Kozhikode District.
4. Edakkala Purath Aboobacker Haji, S/o Mammu Haji, 64 years, Nadapuram amsom, Varikkoli desom, Vatakara Taluk, Kozhikode District.
5. Firozudheen, S/o Sharafudheen, 43 years, residing at Darussalam house, Koodali amsom desom, Thalassery Taluk, Kannur District.
6. Sooppy, S/o Moidu, 45 years, residing at Kochery Thazhakuniyil, Eramala amsom, Orkkattery desom, Vatakara Taluk, Kozhikode District.
7. Abdulla Haji, S/o Moidu Haji, 59 years, Baythool, Areefin house, J.T. Road, Vatakara amsom desom, Vatakara Taluk, Kozhikode District.

(7th petitioner Abdulla Haji is the Power of attorney holder of petitioners No. 1 to 6)

And:

- Renuka Nithyanandan, D/o Raghavan, 74 years, Amrutha house, Thiruvangad amsom desom, Thiruvangad post, Thalassery Taluk, Kannur District.

This petition coming on this day for hearing before me in the presence of Sri. P.V. Sijith Kumar, Advocate for the petitioners and respondent set exparte, this Court passed the following.

ORDER

This is the petition filed under Section 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 shop room belonged to the petitioners and it has been leased out to the respondent. The second petitioner's son bonafidely need the petition schedule shop room to start a furniture business. No other vacant buildings are available in the locality to start the aforesaid business. The respondent is not depending upon the petition schedule building to earn her livelihood. Hence the petition may be allowed under Section 11(3) of the Act.

3. Though the respondent filed her objection she was not ready for evidence and also to cross examine the second petitioner at the time of trial. Subsequently she was proceeded exparte.

4. To prove the case of the petitioners, the 2nd petitioner was examined as PW1 and four documents were produced and marked as Ext.A1 to A4. The petitioners filed their proof affidavit also.

5. Heard the side of the petitioners.

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

- (1) Whether the petitioners are entitled to claim relief u/s. 11(3) of the Kerala Buildings (Lease and Rent Control) Act?
- (2) Reliefs & costs ?

7. **Point No.(1) :-** Both points are considered together for the sake of convenience of trial. While going through Exts.A1 to A4 documents, the tenancy is admitted and there exists landlord-tenant relationship between the petitioners and respondent. Since the respondent is proceeded ex-parte, the claim of bonafide need raised by the petitioners remain unchallenged and undisputed. Hence the petitioners are entitled to get the relief asked for. Point found accordingly.

8. **Point No.(2):-** On the basis of the discussion held in point 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 respondent is directed to vacate the petition schedule shop rooms and to hand over the same to the petitioners within a period of one month from the date of this order. The petitioners are entitled to get the costs of the petition.

(Dictated to C.A, typed by him in Office Computer, corrected and pronounced by me in Open Court, on this the 6th day of December, 2023)

Sd/-

**RENT CONTROLLER / MUNSIF,
VATAKARA.**

Petitioner's Witness

PW1 21.11.2023 : Ashraf Haji, S/o Mammu Haji.

Petitioner's Exhibits:

- A1 21.02.1996 : Registered Rent kychit No. 463/96 executed by Renuka Nithyanandan in favour of Bhargavi Amma.
- A2 24.02.1994 : Registered Rent kychit No. 661/94 executed by Renuka Nithyanandan in favour of Bhargavi Amma.
- A3 05.04.1984 : Registered Rent kychit No. 703/84 executed by Renuka Nithyanandan in favour of Bhargavi Amma.
- A4 17.10.2020 : Postal acknowledgment card.

Respondent's Witness : NIL

Respondent's Exhibits : NIL

Sd/-

**RENT CONTROLLER / MUNSIFF,
VATAKARA.**