

**IN THE COURT OF THE RENT CONTROLLER/ MUNSIFF, VATAKARA.**

Present: Smt. Aiswarya T., Rent Controller/Munsiff

Saturday, the 18<sup>th</sup> day of January, 2025

**R.C.P. No. 93/2023**

**Between:**

Valiyandiyil Sufana Sherin, D/o M.R.P. Ashraf,  
Meethale Ramath Peedika House,  
Muthuvadathoor amsom desom,  
Muthuvadathoor Post, Vatakara Taluk,  
Kozhikode District, Pin- 673 503. } Petitioner

**And:**

Suresh M.P, S/o Damodaran,  
Malayil Parollathil House,  
Nadakkuthazha amsom, Meppayil desom,  
Nut Street Post, Vatakara Taluk,  
Kozhikode District, Pin- 673 104. } Respondent

This petition coming on this day for hearing before me in the presence of Sri. I. Rajan and Smt. Aswathi V.P, Advocates for the petitioner and respondent's Counsel reported no instruction, hence proceeded exparte, this Court passed the following.

**ORDER**

This is the Rent Control 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 petitioner is the landlord of the petition schedule shop room and the respondent is the tenant. This petition is filed to evict the respondent from the petition schedule shop room and to get separate possession of the same for the

bonafide need of the petitioner to conduct business for her livelihood. The building attached to the petition schedule shop room was in the ownership and possession of K.J Saviour. The petitioner purchased the same from him as per assignment deed No.2032/2006 of S.R.O, Vadakara and now it is in the ownership and possession of the petitioner. At the time of registration of the above said document, the petitioner was minor and the building attached to the petition schedule shop room was possessed and maintained by the petitioner's mother's father, Valiyandiyil Moidu Haji. As per the Kacheet executed between above said K.J Saviour and the respondent dated 1.7.2006, the respondent has occupied the petition schedule shop room and was conducting the business. After purchasing the petition schedule shop room by the petitioner, as per the oral conditions between the above said Moidu Haji and the respondent, the respondent is continuing as a tenant under the petitioner for a monthly rent of Rs.1500/-. After the petitioner became major, she is maintaining the entire building including the petition schedule shop room and collecting the rent from the tenants including the respondent. The respondent has paid rent upto 31st December 2022 and the rent thereafter is kept in arrears. The petitioner has now completed her B. Pharm course and she has no job or income. She is now depending upon her father for her livelihood. So, she is in bonafide need to start a business for her livelihood. As the petitioner has completed her B.Pharm course she is in bonafide need to start a large scale medical shop for her livelihood. Hence, the entire building including the petition schedule shop room is necessary. The petition schedule shop room including the building is suitable for the proposed business. Vatakara District Asupathri and Several doctor's clinics are situated near the petition schedule building. Since it is situated near the

main road, the customers can easily reach the petition schedule building. The petitioner has in her possession enough money to conduct the above said business. The petitioner expects that if she starts the above said business she can earn Rs.1,00,000/- per month. There is no other suitable building in the possession of the petitioner for conducting the above said business. Except the building including the petition schedule shop room the petitioner has no other shop room in her possession. The petitioner can start her own business and earn income for her livelihood only if she get the vacant possession of the petition schedule shop room and the building attached to it. The respondent is not depending upon the income derived from the business conducted in the petition schedule shop room. The respondent has other sources of income, business and real estate business. There are several other shop rooms available on rent in the locality near to the petition schedule shop room if the respondent intends to start the business. Hence the petitioner has the bonafide need to get vacant possession of the petition schedule shop room for the aforesaid purpose. Hence this petition.

3. When the case was listed for trial on 15.1.2025, the counsel for the respondent submitted no instructions. Hence the respondent is proceeded ex-parte.

4. To prove the case of the petitioner, she was examined as PW1. Ext.A1 to A4 are marked. The petitioner filed her proof affidavit also.

5. Heard the side of the petitioner.

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

- (1) Whether the petitioner is entitled to claim relief under Section 11(3) of the Kerala Buildings (Lease and Rent Control) Act?
- (2) Reliefs & costs ?

7. Point No.(1) :- While going through Ext.A1 to A4 documents, the tenancy is admitted and there exists landlord-tenant relationship between the petitioner and respondent. Since the respondent is set ex-parte the claim of bonafide need raised by the petitioner remains unchallenged and undisputed. Hence the petitioner is entitled to get the relief asked for. Point is 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 under Section 11(3) of the Act. The respondent is directed to vacate the petition schedule shop room 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.

(Dictated to C.A, typed by him in Office Computer, corrected and pronounced by me in Open Court, on this the 18<sup>th</sup> day of January, 2025)

Sd/-

RENT CONTROLLER / MUNSIFF,  
VATAKARA.

**Petitioner's Witness :**

PW1 15.01.2025 : Valiyandiyil Sufana Sherin, D/o Ashraf M.R.P.

**Petitioner's Exhibits:**

A1 21.02.2023 : Lawyer notice sent by Advocate I. Rajan to respondent.

A2 21.02.2023 : Postal receipt.

A3 17.03.2023 : Postal acknowledgment card.

A4 28.03.2023 : Reply notice sent by Advocate K. Prabhakaran to  
Advocate I. Rajan

Respondent's Witness : NIL

Respondent's Exhibits : NIL

Sd/-

RENT CONTROLLER / MUNSIF,  
VATAKARA.