

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

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

Monday, the 7th day of August, 2023**R.C.P. No. 130/2022****Between:**

Rayarangoth Anithakumari, W/o Vijayakumar,
55 years, Puthiyottil house, Lokanarkavu,
Memunda amsom, Kuttoth desom,
Sidhasamajam post, Pin- 673104, Vatakara Taluk,
Kozhikode District.

} Petitioner

And:-

Thazhe Nadukkandiyil Nisar, S/o Kunhabdulla,
46 years, business, Chorode amsom desom,
Chorode East post, Pin- 673106,
Vatakara Taluk, Kozhikode District.

} Respondent

This petition coming on this day for hearing before me in the presence of Sri. M. Damodaran Nambiar and Sri. M.K. Sadanandan, Advocates for petitioner and respondent set exparte, the Court passed the following.

ORDER

This is the order in the above petition filed under Section 5(1)(ii) 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 petitioner and was leased out to the respondent for a monthly rent of Rs.1600/- per month. The respondent has paid monthly rent till 16th November 2022. However, there is rent due from the side of respondent after November 2022. According to petitioner the monthly rent with respect to the petition schedule building is very low and the respondent is not paying any enhanced rent. According to petitioner since the petition schedule building is situated in a commercial area, he is entitled to get monthly rent of

Rs.15,000/- per month. In the nearby business centers also the rate of rent is high. This petitioner has issued notice to the respondent for claiming enhanced rent. Respondent has given reply however is not ready to pay the enhanced rent. Hence, the present petition to be allowed and fair rent with respect to petition schedule building has to be fixed for an amount of Rs.15,000/- per month.

3. Upon the receipt of the notice, the respondent appeared. But they failed to file their objection within the statutory period. Hence, the respondent was set ex-parte.

4. To prove the case of the petitioner, she was examined as PW1 and Ext.A1 to A5 are marked. The petitioner filed proof affidavit in lieu of examination-in-chief also.

5. Heard the side of the petitioner.

6. The point that arise for determination as follows:-

(1) Whether the petitioner is entitled to fix fair rent by virtue of Sec. 5(1)(ii) of the Act?

(2) Reliefs & costs ?

7. **Point No.(1) :-** The petitioner want to enhance the rent in respect of his building to Rs.15,000/- per month. This petitioner has issued notice directing the respondent to pay the enhanced rent. The respondent though given reply stating his difficulty failed to challenge the need raised by the petitioner. Since the respondent is proceeded ex-parte, the case of the petitioner succeeds and he is entitled to get the enhanced rate of rent amounting to Rs.15,000/- from the respondent with respect to the petition schedule building.

8. **Point No.(2):-** On the basis of the above discussions, Rent Control Petition is allowed and fair rent with respect to petition schedule shop room is fixed to Rs.15,000/- and the respondent is directed to pay the same.

In the result, 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 7th day of August, 2023)

Sd/-

**RENT CONTROLLER / MUNSIF,
VATAKARA.**

Petitioner's witness:

PW.1 07.08.2023 Anitha Kumari, D/o Narayana Pilla

Petitioner's Exhibits:

- Ext.A1 09.03.2015 Photocopy of Kychit executed by Nisar in favour of Anitha Kumari
- Ext.A2 20.02.2021 Copy of lawyer notice sent by Advocate M.K. Sadanandan to Nisar
- Ext.A3 20.04.2021 Postal receipt
- Ext.A4 21.04.2021 Postal acknowledgment card
- Ext.A5 16.07.2019 Reply notice sent by Adv. C.H. Naina to Advocate M.K. Sadanandan.

Respondent's Witness : NIL

Respondent's Exhibits: NIL

Sd/-

**RENT CONTROLLER/MUNSIF,
VATAKARA.**