

IN THE COURT OF THE MUNSIFF, NADAPURAM.

Present: Sri. Yadukrishnan. B, Rent Controller/Civil Judge (Junior division)

Monday, the 17<sup>th</sup> day of November, 2025

25<sup>th</sup> day of Karthikam, 1947

**RENT CONTROL PETITION 8/2025**

Between:-

- 1 PUTHIYAKKAL HAMEED,  
S/o. Mammu Haji, Aged 58 years, Swastham,  
Residing at Puthiyakkal House, Velloor Amsom,  
Chalapram Desom, Nadapuram (PO), Vatakara  
Taluk, Kozhikode District.
- 2 PUTHIYAKKAL RAMLA,  
D/o. Mammu Haji, Aged 56 years, Swastham,  
Residing at Mavvakkeri House, Velloor Amsom,  
Chalapram Desom, Nadapuram (PO), Vatakara  
Taluk, Kozhikode District.
- 3 PUTHIYAKKAL SUHARA,  
D/o. Mammu Haji, Aged 55 years, Swastham,  
Residing at Naduvilakandiyil House, Velloor  
Amsom, Chalapram Desom, Nadapuram (PO),  
Vatakara Taluk, Kozhikode District.
- 4 PUTHIYAKKAL FOUSIYA,  
D/o. Mammu Haji, Aged 54 years, Swastham,  
Residing at Kalariparambath House, Velloor  
Amsom, Chalapram Desom, Nadapuram (PO),  
Vatakara Taluk, Kozhikode District.
- 5 PUTHIYAKKAL SAKHEENA,  
D/o. Mammu Haji, Aged 51 years, Swastham,  
Residing at Kalariparambath House, Velloor  
Amsom, Chalapram Desom, Nadapuram (PO),  
Vatakara Taluk, Kozhikode District.

Petitioners

6 PUTHIYAKKAL SAMEERA,	]	
D/o. Mammu Haji, Aged 49 years, Swastham,	]	
Residing at Puthiyakkal House, Velloor Amsom,	]	Petitioners
Chalapram Desom, Nadapuram (PO), Vatakara	]	
Taluk, Kozhikode District, Kerala.	]	

And:-

NADAPURAM CO-OPERATIVE URBAN	]	
BANK LTD., No. D 2648,	]	
Nadapuram (PO), Vatakara Taluk, Kummankode	]	
Amsom and Nadapuram Desom, Kozhikode	]	Respondent
District, Kerala State, Represented by its	]	
Manager/Secretary.	]	

This petition coming on this day for hearing before me in the presence of Sri. P. Divakaran and Sri. C. R. Biju, Advocates for petitioners and advocate for respondent reported on no instruction and this court passed the following:-

### **ORDER**

This is the Rent Control 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 absolutely belonged to the petitioners and was leased out to the respondent. The first petitioner bonafidely requires the petition schedule shop room for the purpose of starting a Garment Manufacturing and

sale business with tailoring unit to maintain his livelihood. There are no other vacant buildings available in the locality for the petitioners to start the aforesaid business. The respondent is not doing any business in the petition schedule shop room and are not depending upon the said shop room for their livelihood. There are other buildings available in the locality for the respondent to continue their business. Hence, the petition may be allowed under section 11(3) of the Act.

3. The notice was served to the respondent and the respondent filed their objection to the petition. But on the date of trial the counsel for the respondent reported no instructions and the respondent was proceeded exparte.

4. To prove the case of the petitioners, the first petitioner was present and examined as PW1. One document was produced and marked as Ext. A1. The petitioners filed proof affidavit in lieu of examination in chief.

5. Heard the side of the petitioners.

6. The points that arise for determination is 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 ?

7. **Point No.(1) :-** As far as Sec.11(3) of the Act is concerned the bonafide need in this case is for the 1<sup>st</sup> petitioner. He want to start a Garment Manufacturing and Sale business with tailoring unit in the petition schedule shop room. The original partition deed is marked as Ext.A1. Since the respondent is proceeded exparte and has not challenged the need projected by the petitioners the case of the petitioners succeed and are entitled to claim benefit u/s.11(3) of the Act. Point found accordingly.

8. **Point No.3:-** On the basis of the discussions held in point No.1 the 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 room 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.***

***In the result, RCP is allowed with costs.***

(Dictated to C.A, typed by him in Office Computer, corrected and pronounced by me in Open Court, on this the 17<sup>th</sup> day of November, 2025).

Sd/-  
Rent Controller/  
Civil Judge (Junior division)

Exhibits Marked:-

Petitioners' Exhibits:

A1 : 17.02.2006 : Partition deed No. 230/2006 executed in between Pathu and others.

Respondent's Exhibits:- Nil

Court Exhibits :- Nil

Witness Examined:-

Petitioners' Witness :-

PW1 : 17.11.2025 : Hameed, S/o. Mammu Haji.

Respondent's Witness :- Nil

*Sd/-  
Rent Controller/  
Civil Judge (Junior division)*

*/True Copy/*

*Rent Controller/  
Civil Judge (Junior division)*

Fair/Copy of order in  
RCP : 8/2025  
Dated: 17.11.2025.