

IN THE COURT OF THE PRINCIPAL RENT CONTROLLER, KOLLAM.

Present : Kum. Haritha. G.H., Principal Rent Controller

Monday, the 11th day of July, 2022/20th day of Ashada, 1944.

R.C.(O.P).No. 19/2019

Between

Petitioner :-

D. Thulaseedharan Pillai, aged 57 years,
S/o Late Damodharan Pillai,
Kallamballil Madom, RNRA 88,
Kaikulangara North, Kollam -12.

By Advs. Sri. V. Sugathan & Sri. Siju. S

And

Respondent :-

Geethu, aged about 29 years, D/o Manikan,
residing at Velloor Kizhakkathil,
Kannimel Cherry, Sakthikulangara,
Kollam 691581.

Ex-parte

This OP is filed by the petitioner under Section 11(2) (b) of the Kerala Building (Lease and Rent Control) Act, 1965 to surrender the key and vacant possession of the petition schedule building. This OP coming on for final hearing before me on 29-06-2022 and the court on 11-07-2022 passed the following:-

ORDER

This is a petition filed under sections 11(2)(b) of the Kerala Buildings (Lease and Rent Control) Act, 1965 (hereinafter referred to as 'the Act').

2. Petition averments in brief is as follows:

Petitioner is the absolute owner in possession of the petition scheduled building bearing door No. 1747/1151 in Ward No. SP/XII of Kollam Corporation by virtue of Sale Deed No. 304/2017 of Kollam SRO. The respondent who is a family friend of petitioner was taken the said building on lease the respondent was fully

complied the terms incorporated in the lease agreement. After the expiry of the said lease agreement another lease agreement was executed by the respondent in favour of petitioner on 16/05/2018. In the said lease agreement, respondent agreed to pay a monthly rent of Rs. 6,000/- and the period of agreement was fixed as 11 months. Since the respondent failed to pay the monthly rent from 2018 October. Even after repeated demands of petitioner, respondent is not ready to pay the arrears of rent due to the petitioner till date. As such a sum of Rs. 48,000/- is due to petitioner as rent arrears. Petitioner then caused to send a registered notice through his Advocate on 29/04/2019 to respondent demanding payment of arrears of rent and also to surrender vacant possession of the building. Respondent who knows the contents of the said notice willfully refused to accept the said notice and it was returned to the petitioner as "unclaimed". Hence this petition is filed for getting vacant possession of the building.

3. Though the respondent entered appearance she did not file objection and hence it was decided to proceed against her *ex parte*.

4. Petitioner gave evidence as PW1 and Exts. A1 to A6 were marked. Ext. A1 is the lease agreement dated 15/06/2017. Ext. A2 is the certified copy of lease agreement dated 16/05/2018. Ext. A3 is the attested copy of sale deed No. 304/2017 of Kollam SRO. Ext. A4 is the office copy of Advocate Notice dated 29/04/2019. Ext. A5 is the postal receipt. Ext. A6 is the returned postal article.

5. Heard the counsel for the petitioner. Perused the records.

6. The un rebutted testimony of PW1 and the documents marked as Ext. A1 to A6 are sufficient to prove that the petitioner is entitled to the relief as prayed for.

7. In the result, the claim of the petitioner to get the petition schedule building evicted under Sections 11 (2) (b) of Kerala Building (Lease and Rent Control) Act is allowed.

The respondent is directed to handover the vacant possession of the petition scheduled building to the petitioner and to put the petitioner in possession.

(Dictated to Confidential Assistant, typed by her, corrected and pronounced by me in open Court on this the 11th day of July, 2022.)

Sd/-
Haritha. G.H.,
Principal Rent Controller.

Appendix:-

Exhibits marked from the side of the Petitioner :-

A1	15-06-2017	Lease Agreement.
A2	16-05-2018	Certified copy of Lease Agreement.
A3	-	Attested copy of Sale Deed No. 304/2017 of Kollam S.R.O.
A4	29-04-2019	Office copy of Advocate Notice.
A5		Postal Receipt.
A6		Returned Postal Article.

Exhibits marked from the side of the Respondent :- NIL

Court Exhibits :- NIL

Witness Examined from the side of the Petitioner :-

PW1	13-06-2022	Thulaseedharan Pillai. D.
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Witness Examined from the side of the Respondent :- NIL

Id/-
Principal Rent Controller

//True Copy//

Haritha. G.H.,
Principal Rent Controller

Typed by : Marybindu.C.
Compared by : Jayalekshmi.V