

IN THE COURT OF THE RENT CONTROL, KANNUR

Present: Smt.Sushama P., Principal Munsiff, Kannur.
Tuesday, the 22nd day of October, 2024 (30th Aswina, 1946)

RENT CONTROL PETITION No.127/2024

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| 1. Valiya Puthiyakath Subaida, W/o.Athodath |] | |
| Parakkandy Abdul Khader, aged 50 years, |] | |
| Parakkandy House, Valiyannur amsom, Varam |] | |
| desom, P.O.Varam, Kannur, 670594, |] | |
| Mob:9497890327. |] | Petitioner |
| 2. A.P.Rizwana, D/o.Valiya Puthiyakath Subaida, |] | |
| aged 23 years, Parakkandy House, Valiyannur |] | |
| amsom, Varam desom, P.O.Varam, Kannur, 670594. |] | |

Vs.

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| Pallikkachalil Muhsin, S/o.Abdulla, aged 60 years, |] | |
| Pallikkachalil Mubeenas, P.O.Kanhirode, Kanhirode |] | Respondent |
| amsom, desom, Kannur, 670592. |] | |

This petition coming on this day for hearing before me in the presence of S/Sri.K.K.Balaram, K.Babu, K.O.Prathap Nambiar, M.R.Hareesh, Abhijai.E.M and Muhammed Sinan.K.P, Advocates for the petitioner; respondent called absent and set exparte and the court passed the following:-

ORDER

Petition filed under Section 11 (3) of the Kerala Buildings (Lease and Rent Control) Act, 1965.

2. The petition averments in brief are as follows:- The petition schedule building belongs to the petitioners as per gift deed No.1488/2003 of SRO, Kannur. The respondent is the tenant in occupation of the petition schedule building under the petitioners on a monthly rent of Rs.4500/- per month as per kachit dated 26-10-2016 executed by the respondent in favour of the 2nd petitioner. As per the agreement, 10% increase in rent is to be made annually.

However the current rent paid by the respondent is only Rs.6510/- per month. Since the original of the kachit is misplaced only the available photocopy is produced. The original will be produced once it is traced out. At present the petitioners are residing in a house constructed in 3 cents of land given by the Government using Rs.2,00,000/- provided by the Government. That building is extremely small which is adversely affecting the marriage proposals for the 2nd petitioner because of inadequate living conditions. There is no sufficient space to live even for the petitioners in the presently occupied building. So the petitioners will face too severe hardships to live along with the 2nd petitioner's husband after marriage in the house where they are residing now. The building occupied by the respondent in Varam, Kannur Corporation have necessary facilities and amenities and is significantly big which is more suitable for the petitioners and the prospective husband of the 2nd petitioner. The location of the petition schedule building is also more convenient compared to their present residence in Mayyil Panchayath, which is a rural area. So the petitioners requested the respondent to surrender the vacant possession of the building for their residential purpose. The petitioners bonafide needs to occupy the petition schedule building. The petition schedule building is required for the petitioners own use including the 2nd petitioner's future husband. The need of the petitioners is bonafide, genuine and urgent. The petitioners have no other vacant building in their possession for their residence other than the too small building presently occupied by the petitioners. The respondent has building near the petition schedule building in his possession. Despite requests to surrender the vacant possession of the petition schedule building for the petitioners bonafide need, the respondent is delaying the same raising one or other reasons. Hence the petition.

3. Notice was issued to the respondent and he was called absent and set exparte.

4. The 2nd petitioner had filed affidavit in lieu of examination in chief and she was examined as PW1 and Ext.A1 is rejected. Ext.A2 was marked.

5. Heard.

6. Ext.A2 is the original kachit dated 26-10-2016. Evidence of PW1 would go to show that the petitioners bona fide requires the petition schedule building for their residential purpose. Hence, in the absence of any contra evidence coupled with documentary evidence, I find that the petitioners have succeeded in establishing their case.

In the result, the Rent Control Petition is allowed under Section 11(3) of the Kerala Buildings (Lease and Rent Control) Act, 1965 and the respondent is directed to surrender the vacant possession of the petition schedule building to the petitioners within a period of one month failing which the petitioners are at liberty to execute the order through the process of court. The petitioners are also entitled to costs.

(Dictated to the Confidential Asst., transcribed and typed by her, corrected and pronounced by me in open court, this the 22nd day of October, 2024).

Sd/-
Rent Control Court
(Principal Munsiff)

Petitioner's Witnesses:-

PW1 : Rizwana.A.P.

Petitioner's Exhibits:-

A1 : 26.10.2016 : Copy of Rent Kachit.

A2 : 26.10.2016 : Original Rent Kachit.

Respondent's Witnesses and Exhibits:- Nil.

Sd/-
Rent Control Court
(Principal Munsiff)

// True copy//

Rent Control Court
(Principal Munsiff)

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Fair/Spare Order in RCP. No.127/2024
Dated : 22.10.2024.