

BEFORE THE RENT CONTROL COURT (MUNSIFF) TALIPARAMBA

Present: Sri. Ashique Shajahan, Rent Control Court (Munsiff)

Friday, the 28th day of October, 2022

(6th day of Karthika, 1944)

RENT CONTROL PETITION No. 43 OF 2019

Veliyambra Prakashan, S/o. Shankaran, aged 48 years,)
Narath amsom desom, Kannur Taluk.) Petitioner

Vs.

M.P. Majeed, aged 56 years, S/o. Mammu, Taliparamba,)
Taliparamba amsom, Trichambaram desom,) Respondent
Taliparamba (PO), Kannur District.)

Petition filed Under Section 11(3) 11(8) of the Kerala Buildings (Lease and Rent Control) Act.

Court Fee paid Rs. 2/- only.

This Suit coming on this day for hearing before me in the presence of A.K. Santhosh and M.P. Salini, Advocates, for the Petitioner; of K. Ummer, Advocate for the respondent and the Court delivered the following:

ORDER

This is a Rent Control Petition filed U/s 11(3) and 11(8) of the Kerala Buildings (Lease and Rent Control) Act, 1965 (hereinafter referred to as KBLRC Act).

2. The petition averments, in brief, is as follows:- The petition schedule room belongs to the petitioner was let out to the respondent for a monthly rent of ₹1,000/- for a period of 3 months as per the kachit dated 25.08.2007. It is also

stipulated in the agreement that if the respondent is continuing the tenancy in the said room, there will be an increase of 25% on the rent on every years. The tenancy is continuing even after the agreement. The respondent is conducting mobile phone and accessories sales in the petition schedule shop room. Now the petitioner intends to start a restaurant in the petition schedule room. The petitioner bonafidely requires the petition schedule room for the said purpose. The petitioner is not having any other vacant room in his possession for the said purpose. The respondent is not depending upon the petition schedule room for his livelihood. There are other suitable rooms available in the locality for the respondent to shift his business. Notice was issued to the respondents on 09.10.2019 demanding vacant possession. Though the petitioner demanded the vacant possession of the room from the respondent, he denied the said request. Hence, the petition.

3. The respondent entered appearance and filed the objection by admitting the tenancy and denying the bonafide need projected by the petitioner. He further contended that the petitioner is having several other buildings in his possession for the intended business. According to the respondent, he is depending on the income derived from the petition schedule room for his livelihood. There are no other suitable rooms available in the locality for the respondent to shift his business. Hence, sought for dismissal of the petition

with costs.

4. Despite filing objection by the respondent, on the day fixed for trial, he remained absent and the petition has proceeded ex parte against him.

5. The petitioner himself was examined as PW1 and Exts.A1 to A4 are marked on the side of the petitioner. Ext.A1 is the kachit dated 25.08.2007 executed by the respondent in favour of the petitioner. Ext.A2 is the lawyer's notice dated 09.10.2019 issued by the petitioner in favour of the respondent. Ext.A3 is the postal receipt evidencing the issuance of Ext.A2. Ext.A4 is the postal acknowledgment evidencing the receipt of Ext.A2 by the respondent.

6. Heard.

7. The petitioner himself was examined as PW1. PW1 filed an affidavit in lieu of examination-in-chief by reiterating the contentions in the petition. Though the respondent disputed the bonafide need projected by the petitioner, he has not adduced any evidence in support of his contention. Hence, on the basis of the oral evidence of PW1, the petition averments stands proved and the petitioner is entitled to get an order of eviction as prayed for.

In the result, this rent control petition is allowed and the respondent is directed to surrender the vacant possession of the petition schedule room to the petitioner within a period of one month from the date of this order, failing which, the petitioner is at liberty to execute the order through the process of the

court. The respondent do also pay the cost of the proceedings.

(Dictated to the Confidential Assistant transcribed and typed by her, corrected and pronounced by me in open court on this the 28th day of October, 2022)

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Petitioner's Exhibits:-

- A1 25-08-2007 Rent Kachit executed by M.P. Majeed in favour of Velayambra Prakashan.
- A2 09-10-2019 Lawyer Notice issued by A.K. Santhosh, Advocate to M.P. Majeed.
- A3 11-10-2019 Postal Receipt.
- A4 17-10-2019 Postal Acknowledgment.

Petitioner's Witness:

PW1 : Prakashan V.

Respondent's Witness and Exhibits : Nil.

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