

IN THE RENT CONTROL COURT (MUNSIFF) TALIPARAMBA

Present: Smt. Athulya. A, Rent Control Court (Munsiff)

Monday, the 29th day of July, 2024
(7th day of Sravana, 1946)

RENT CONTROL PETITION No. 32 OF 2019

Maniyankeel Chathoth Kunjumbidukka Kalyani)
Amma, D/o Devakiyamma, aged 70 years,) Petitioner
Chengalayi Amsom Desom, Taliparamba Taluk,)
Kannur District.)

Vs.

Valiyaveettil Raju, S/o Lukka, aged 56 years,)
Uppupadanna, Payyavur amsom desom,) Respondent
Taliparamba Taluk, Kannur District.)

Petition filed Under Sections 11(2) and 11(3) of the Kerala Buildings (Lease and Rent Control) Act.

Court Fee paid ₹ 5/- only.

This Petition coming on the 11th day of July, 2024 for final hearing before me in the presence of Sri.A.V.Sajithkumar, Advocate for the Petitioner; and of Sri.M.C.Ramachandran, Advocate for Respondent; and having stood over to this day for consideration; and the court passed the following:

ORDER

This is a petition filed by the petitioner under section 11(2) and 11(3) of the Kerala Buildings (Lease and Rent Control) Act, 1965 (hereinafter referred to as the KBLRC Act).

2. The petition averments briefly are as follows:- The petition

schedule room belongs to the petitioner was let out to the respondent for a monthly rent of ₹650/- as per the kachit dated 02.09.2005 for a period of 11 months. The respondent is continuing tenancy even after the stipulated period. There is a stipulation for periodical enhancement of monthly rent in the Kachit. The present rate of rent is 1,100/-. However, the rent from 2013 April is in arrears. Now the respondent is liable to pay an amount of ₹96,973/- towards arrears. The son of the petitioner is bonafidely in need of the petition schedule room for conducting a stationary business. There are no other rooms in the vacant possession of the petitioner or the dependent. The respondent is not depending on the income derived from the petition schedule room for his livelihood. There are other sufficient buildings available in the locality for the respondent to shift his business. Notice was issued to the respondent on 21.05.2019 demanding vacant possession. Hence, this petition.

3. The respondent entered appearance and filed objection to the petition by admitting the tenancy and disputing the arrears of rent and the bonafide need projected by the petitioner. However, on the day fixed for trial, he remained absent and the petition is proceeded ex parte against him.

4. PW1 was examined and Exts.A1 to A7 are marked on the side of the petitioner.

5. Heard.

6. The power of attorney holder of the petitioner, who is the dependent herein was examined as PW1. Ext.A1 is the kachit executed by the

respondent in favour of the petitioner. Ext.A2 is the notice issued by the respondent to the petitioner. Ext.A3 is the office copy of the notice issued by the petitioner to the respondent. Ext.A4 is the notice issued by the counsel for the respondent to the counsel for the petitioner. Ext.A5 is the passport of PW1. Exts.A6 and A7 are the tax receipts issued by Payyavoor Grama Panchayath in favour of the petitioner. PW1 filed an affidavit in lieu of examination in chief by reiterating the contentions in the petition. Since there is no contrary evidence, there is no reason to disbelieve the case of the petitioner. Hence, 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 one month from the date of this order, failing which, the petitioner is at liberty to execute the order through the process of Court. The respondent also do pay costs of the proceedings.

(Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in open court this the 29th day of July, 2024).

Sd/-
**RENT CONTROL COURT
(MUNSIFF)**

Petitioner's Exhibits:-

A1	02.09.2005	Rent Kachit executed by Raju in favour of Maniyankeel Chathoth Kunjumbidukka Kalyani Amma.
A2	07.01.2019	Regd.Lawyer Notice issued by petitioner's Advocate M.C.Ramachandran to the respondent.
A3	21.05.2019	Regd.Lawyer Notice issued by petitioner's Advocate A.V.Sajith Kumar to the respondent.
A4	01.06.2019	Reply notice issued by Adv. M.C.Ramachandran to Adv.A.V.Sajithkumar.
A5	--	Passport of Petitioner Maniyankeel Chathoth Bhaskaran POA of Kunhumbidukka Kalyani Amma.
A6	11.08.2022	Payment receipt.
A7	11.08.2022	Payment receipt.

Court's Exhibit: NIL.

Petitioner's Witness:

PW1 : Maniyankeel Chathoth Bhaskaran POA of Kunhumbidukka Kalyani Amma.

Respondent's Exhibits and Witness : NIL.

Sd/-
**RENT CONTROL COURT
(MUNSIFF)**

//True Copy//

**RENT CONTROL COURT
(MUNSIFF)**

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Fair/Spare Order in RCP. 32/2019
Dated 29-07-2024