

**BEFORE THE RENT CONTROL COURT (MUNSIFF)
TALIPARAMBA**

Present: Sri. Ashique Shajahan, Rent Control Court (Munsiff)
Wednesday, the 28th day of November, 2022
(7th day of Agrahayana, 1944)

RENT CONTROL PETITION No.44 OF 2019

Veliyambra Prakashan, S/o.Sankaran,)
Aged 48 years, Narath Amsom Desom,) Petitioner
Kannur Taluk.)

Vs.

M.P.Majeed, S/o.Mammu, Aged 56 years,)
Taliparamba, Taliparamba Amsom,)
Trichambaram Desom, Taliparamba P.O.,) Respondent
Kannur District.)

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

Court Fee paid ₹5/- only.

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

ORDER

This is a petition filed by the petitioner under section 11(3)
and 11(8) of the Kerala Buildings (Lease and Rent Control) Act,
1965 (hereinafter referred to as the 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. There is a stipulation for enhancement of rent @ 25% per annum. Now the petitioner is in bonafide need of the petition schedule room for conducting a Restaurant. The respondent is not depending on the business carried out in the petition schedule room for his livelihood. There are other vacant buildings available in the locality for the respondent to shift his business. The petitioner is not having any other vacant room in his possession for the said purpose. Notice was issued to the respondent on 09.10.2019 demanding vacant possession. But the respondent denied the said request. Hence this petition.

3. The respondent entered appearance and filed 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. Since there are no other suitable rooms available in the locality for the respondent to shift his business, 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 is proceeded ex parte against him.

5. The petitioner himself was examined as PW1 and Exts.A1 and A2 are marked on the side of the petitioner. Exts.A3 and A4 rejected being photocopies and no foundation laid down for admitting secondary evidence of the same. Ext.A1 is the kachit dated 25.08.2007 executed by the respondent in favour of the petitioner. Ext.A2 is the copy of the lawyer's notice dated 09.10.2019 issued by the petitioner in favour of 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 pay the costs of the proceedings.

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

RENT CONTROL COURT

(MUNSIFF)

Petitioner's Exhibits:-

- A1 25.08.2007 Rent Kacheet executed by M.P.Majeed in favour of Veliyambra Prakashan.
- A2 09.10.2019 Lawyer Notice issued by Petitioner's Advocate A.K.Santhosh to the Respondent.
- A3 11.10.2019 Photo copy of Postal receipt (Rejected)
- A4 . . . Photo copy of Postal Acknowledgment card (Rejected)

Petitioner's Witness:-

PW1 : Prakashan. V.

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