

IN THE RENT CONTROL COURT (MUNSIFF) TALIPARAMBA

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

Wednesday, the 17th day of July, 2024
(26th day of Ashada, 1946)

RENT CONTROL PETITION No. 44 OF 2019

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

Vs.

M.P.Majeed, aged 56 years, S/o Mammu,)
Taliparamba, Taliparamba amsom, Trichambaram) Respondent
desom, Taliparamba P.O, Kannur District-670141)

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

Court Fee paid ₹ 5/- only.

This Petition coming on the 9th day of July, 2024 for final hearing
before me in the presence of S/Sri.A.K.Santhosh and M.P.Salini, Advocates
for the Petitioner; and of Sri.K.Ummer, 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(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, A2, A5 to A7 are marked. Exts.A3 and A4 rejected being photocopies and no foundation laid down for admitting secondary evidence of the same.

6. Heard.

7. The petitioner himself was examined as PW1. 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. 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, The 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 the costs.

(Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in open court on this the 17th day of July, 2024).

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

Petitioner's Exhibits:-

A1	25.08.2007	Rent Kachit executed by M.P.Majeed in favour of Veliyambra Prakashan.
A2	09.10.2019	Regd.Lawyer Notice issued by petitioner's Advocate A.K.Santhosh to the respondent
A3	11.10.2019	Photocopy of Postal receipt (rejected)
A4	17.10.2019	Photocopy of postal acknowledgment card (rejected)
A5	04.07.2023	Reply of R.T.I.Act issued by Andoor Municipality in favour of petitioner.
A6	10.07.2023	Bank account statement of Prakashan.V. issued by the Manager, Kerala State Co-operative Bank Ltd. Mangattuparamba branch from 01.03.2018 to 30.09.2019.
A7	11.07.2023	Reply of R.T.I.Act issued by Andoor Municipality in favour of petitioner.

Court's Exhibit: NIL.

Petitioner's Witness:

PW1 : Valiyambra Prakashan.

Respondent's Exhibits and Witness : NIL.

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

//True Copy//

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(MUNSIFF)**

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Fair/Spare Order in RCP. 44/2023
Dated 17-07-2024