

BEFORE THE RENT CONTROL COURT (MUNSIFF) TALIPARAMBA

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

Friday, the 29th day of July, 2022

(7th day of Sravana, 1944)

RENT CONTROL PETITION NO. 37 OF 2019

Kakkottakath Naduvile Purayil Sainaba, D/o Fathima,)
aged 45 years, Taliparamba Amsom, Trichambaram) Petitioner
Desom, P.O.Taliparamba, Taliparamba Taluk, Kannur)
District.)

Vs.

Kakkottakath Puthiyapurayil Abdul Sathar,)
S/o Chulliyodantakath Aalikulhi, aged 49 years,) Respondent
Central Book House, Taliparamba Amsom Desom,)
P.O.Taliparamba, Taliparamba Taluk, Kannur District.)

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

Court Fee paid Rs. 25/- only.

This Petition coming on this day for hearing before me in the presence
of Vinod.K.J and M.J.Sebastian, Advocates for petitioner; of P.V.Aseen,
Advocate for the respondent; respondent is being called absent, set exparte
and the Court passed the following:

ORDER

This is a Rent Control Petition filed by the petitioner U/s 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, in brief, is as follows:- The petition schedule rooms belong to the petitioner was let out to the respondent for a period of 3 months as per the kachit dated 24.03.2008 for a monthly rent of Rs.1,500/-. There is a stipulation in the Kaichit for enhancement of rent and the present rate of rent is 2,400/- per month. The respondent has paid rent up to June 2017 and thereafter is in arrears. An amount of Rs.64,800/- is in arrears till September 2019. The son of the petitioner is unemployed. He bonafidely requires the petition schedule building to start a Bakery. He is depending on the petitioner for the said rooms. The petitioner or dependent have no other vacant building in their possession for the said purpose. The respondent is not depending upon the petition schedule room for his livelihood and there are other suitable buildings available in the locality to shift the business of the respondent. Though a notice was issued to the respondent demanding arrears of rent and eviction of the building, he did not comply with it. Hence this petition.

3. Though the respondent entered appearance and filed objection denying the arrears of rent and bonafide need projected by the petitioner, on the day fixed for evidence, he remained absent and the petition has proceeded ex parte against him.

4. PW1 was examined and Ext.A1 and A2 are marked on the side of the petitioner.

5. Heard.

6. The petitioner herself was examined as PW1. PW1 filed an affidavit in lieu of examination in chief by reiterating her contentions in the petition. Ext.A1 is the lawyer's notice issued by the petitioner in favour of the respondent demanding vacant possession of the building. Ext.A2 is the reply notice issued by the respondent to the petitioner denying the matters stated in Ext. A1. The oral evidence of PW1 would establish the case of the petitioners. Since there is no contrary evidence, the petitioner is entitled to get an order of eviction on the grounds sought for.

In the result, the Rent Control Petition is allowed and the respondent is directed to surrender the vacant possession of the petition schedule building

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 court.

Petitioner is also entitled to costs.

(Dictated to the Confidential Assistant transcribed and typed by her, corrected and pronounced by me in open court this the 29th day of July, 2022)

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Petitioner's Exhibits:-

- A1 05-03-2019 Copy of Lawyer notice issued by Adv. Tomy.P.D to Kakkottakath Puthiyapurayil Abdul Sathar.
- A2 23-03-2019 Reply notice issued by Adv. P.V.Aseen to Adv. Tomy.P.D

Petitioner's Witness:-

PW1 : Kakkottakath Naduvile Purayil Sainaba

rcr/-

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Fair/Spare Order in RCP. 37/2019
dated 29-07-2022