

IN THE RENT CONTROL COURT (MUNSIFF) TALIPARAMBA

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

Tuesday, the 30th day of July, 2024
(8th day of Sravana, 1946)

RENT CONTROL PETITION No. 37 OF 2019

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

Petitioner

Vs.

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

Respondent

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

Court Fee paid ₹ 5/- only.

This Petition coming on the 23rd July, 2024 for final hearing before me
in the presence of S/Sri.Nicholas Joseph and Libin Scaria, Advocates for the
Petitioner; of Sri. P.V.Aseen, Advocate for the respondent; and having stood
over to this day for consideration and 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 room bearing No.TMC XIII- 303 and another room belongs 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 ₹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 ₹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. On the side of the petitioner, PW1 and PW2 were examined and Exts.A1 to A3 were marked on the side of the petitioner.

5. Heard.

6. The petitioner herself was examined as PW1 and the son of the petitioner was examined as PW2. PW1 filed an affidavit in lieu of examination in chief by reiterating the contentions in the petition. PW2 also filed an affidavit supporting the contentions of the petitioner. PW2 is the dependent of the petitioner and is depending the petitioner for the petition schedule room to start a bakery business therein. Ext.A1 is the kachit executed by the respondent in favour of the petitioner. Ext.A2 is the office copy of the lawyer's notice issued by the petitioner in favour of the respondent demanding vacant possession of the building. Ext.A3 is the reply notice issued by the respondent to the petitioner denying the matters stated in Ext.A1. The oral evidence of

PW1 and PW2 would establish the case of the petitioner. 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 by her, corrected and pronounced by me in open court this the 30th day of July, 2024).

Sd/-

Rent Control Court (Munsiff)

APPENDIX :

Petitioner's Exhibits:-

- | | | |
|----|------------|---|
| A1 | 24.03.2008 | Rent Kachit executed by Kakkottakath Puthiyapurayil Abdul Sathar in favour of Sainaba. |
| A2 | 05.03.2019 | Copy of Lawyer notice issued by Adv.Tomy P. D. to Kakkottakath Puthiyapurayil Abdul Sathar. |
| A3 | 23.03.2019 | Reply notice issued by Adv. P. V. Aseen to Adv. Tomy P. D. |

Court's Exhibit: NIL.

Petitioner's Witness:

PW1 : Kakottakath Naduvile Purayil Sainaba.

PW2 : Vasith Ali

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 37/2019 dated 30-07-2024