

BEFORE THE COURT OF RENT CONTROLLER (MUNSIFF), PAYYANNUR

Present:Smt. Alshari.A, LL.B, Munsiff

Tuesday, the 9th day of April, 2019(19th day of Chaithra, 1941)**COMMON ORDER IN RENT CONTROL PETITION NOs.21/2005, 22 /2005, 23/2005, 25/2005, 26/2005, 27/2005, 28/2005, 29/2005 and 30/2005****RCP NO.21 OF 2005**

1. Madambillath Nelli Valappil Ameer Ali]
(Died), S/o.Madambillath Nelli Valappil]
Beepathumma, aged 50 years, residing at]
South Trikarapur, P.O.South Trikarapur,]
Kasaragod District.]
2. Madambillath Nelli Valappil Moideen, aged]
36 years, S/o.Madambillath Nelli Valappil]
Beepathumma, residing at South Trikarapur,]
P.O.South Trikarapur, Kasaragod District.]
3. Madambillath Nelli Valappil Mariyambi,]
aged 32 years, D/o.Beepathumma, residing]
at South Trikarapur, P.O.South Trikarapur,]
Kasaragod District.]
4. Kattoor Khadeeja, aged 60 years,]
D/o.Aliyumma, residing at Payyannur]
amsom desom, P.O.Payyannur.] Petitioners
Legal representatives of deceased 1st]
petitioner Suppl.P5 to 9.]
- Wife:-]
5. T.P.Fathima, aged 41 years, No occupation]
- Children:]
6. T.P.Asrudhin, aged 23 years, student]
7. T.P.Aslam, aged 21 years, Student]
8. T.P.Haneesa, aged 19 years, No occupation]
9. T.P.Ajeer, aged 15 years, Minor, next friend]
mother 5th petitioner.]
Suppl. P 5 to 9 are residing at TP House,]
Vadakkumbad, Ramanthali amsom,]
P.O.Ramanthali.]
Suppl.P5 to P9 impleaded and amended as]
per Order in IA.764/2008 and IA.765/2008]
dated 6.6.2008.]
Suppl. P5 to 9 deleted as per order in]
IA.257/10 dated 25.5.2010.]

Vs.

- | | | |
|--|---|-------------|
| 1. P.V.Gireeshan, age not known, |] | |
| S/o.Govindan, Tailor, Room |] | |
| No.PM.XXII/785, First Floor, Behind |] | |
| K.V.Damodaran Textiles, Payyannur |] | |
| <u>Suppl. R2 to 7:-</u> |] | |
| 2. Thayyil Purayil Fathima, aged 42 years, |] | |
| W/o.Late Madambillath Nelli Valappil |] | |
| Ameer Ali, Vadakkumbad, P.O.Ramanthali. |] | Respondents |
| 3. Assarudhin, S/o.Late Madambillath Nelli |] | |
| Valappil Ameer Ali, aged 24 years, |] | |
| Vadakkumbad, P.O.Ramanthali. |] | |
| 4. Muhammed Aslam, S/o.Late Madambillath |] | |
| Nelli Valappil Ameer Ali, aged 22 years, |] | |
| Vadakkumbad, P.O.Ramanthali. |] | |
| 5. Haneesa, D/o.Late Madambillath Nelli |] | |
| Valappil Ameer Ali, aged 20 years, |] | |
| Vadakkumbad, P.O.Ramanthali. |] | |
| 6. Muhammed Ajeer (Minor) aged 16 years, |] | |
| represented by his mother T.P.Fathima, |] | |
| Vadakkumbad, P.O.Ramanthali. |] | |
| 7. K.V.Damodaran, Cloth merchant, |] | |
| Payyannur. |] | |
| Suppl. R2 to 7 impleaded as per order in |] | |
| IA.2111/09 and amended as per Order in |] | |
| IA.2112/09 dated 25.5.2010. |] | |

RCP NO.22 OF 2015

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|--|---|-------------|
| 1. Madambillath Nelli Valappil Ameer Ali |] | |
| (Died), S/o.Madambillath Nelli Valappil |] | |
| Beepathumma, aged 50 years, residing at |] | |
| South Trikarapur, P.O.South Trikarapur, |] | |
| Kasaragod District. |] | |
| 2. Madambillath Nelli Valappil Moideen, aged |] | Petitioners |
| 36 years, S/o.Madambillath Nelli Valappil |] | |
| Beepathumma, residing at South Trikarapur, |] | |
| P.O.South Trikarapur, Kasaragod District. |] | |
| 3. Madambillath Nelli Valappil Mariyambi, |] | |
| aged 32 years, D/o.Beepathumma, residing |] | |
| at South Trikarapur, P.O.South Trikarapur, |] | |
| Kasaragod District. |] | |
| 4. Kattoor Khadeeja, aged 60 years, |] | |

D/o.Aliyumma, residing at Payyannur
amsom desom, P.O.Payyannur.]

*Legal representatives of deceased 1st
petitioner Suppl.P5 to 9.*]

Wife:-]

5. T.P.Fathima, aged 41 years, No occupation]

Children:]

6. T.P.Asrudhin, aged 23 years, student]

7. T.P.Aslam, aged 21 years, Student]

Petitioners

8. T.P.Haneesa, aged 19 years, No occupation]

9. T.P.Ajeer, aged 15 years, Minor, next friend
mother 5th petitioner.]

Suppl. P 5 to 9 are residing at TP House,
Vadakkumbad, Ramanthali amsom,
P.O.Ramanthali.]

***Suppl.P5 to P9 impleaded and amended as
per Order in IA.766/2008 and IA.767/2008
dated 6.6.2008.***]

***Suppl. P5 to 9 deleted as per order in
IA.259/10 dated 25.5.2010.***]

Vs.

1. Puthiya Veetil Krishnan, age not known,
S/o.Appu, Vandana Textiles, Payyanur,
P.O.Payyanur, Kannur District.]

2. Suppl. R2 to 7:-]
Thayyil Purayil Fathima, aged 42 years,]
W/o.Late Madambillath Nelli Valappil]
Ameer Ali, Vadakkumbad, P.O.Ramanthali.]

Respondents

3. Assarudhin, S/o.Late Madambillath Nelli]
Valappil Ameer Ali, aged 24 years,]
Vadakkumbad, P.O.Ramanthali.]

4 Muhammed Aslam, S/o.Late Madambillath]
Nelli Valappil Ameer Ali, aged 22 years,]
Vadakkumbad, P.O.Ramanthali.]

5 Haneesa, D/o.Late Madambillath Nelli]
Valappil Ameer Ali, aged 20 years,]
Vadakkumbad, P.O.Ramanthali.]

6. Muhammed Ajeer (Minor) aged 16 years,]
represented by his mother T.P.Fathima,]
Vadakkumbad, P.O.Ramanthali.]

- | | | |
|--|---|-------------|
| 7. K.V.Damodaran, Cloth merchant, |] | |
| Payyannur. |] | |
| Suppl. R2 to 7 impleaded as per order in |] | Respondents |
| IA.2115/09 and amended as per Order in |] | |
| IA.2116/09 dated 25.5.2010. |] | |

RCP NO.23 OF 2015

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|--|---|-------------|
| 1. Madambillath Nelli Valappil Ameer Ali
(Died), aged 50 years, S/o.Madambillath
Nelli Valappil Beepathumma, residing at
South Trikarapur, P.O.South Trikarapur,
Kasaragod District. |] | |
| 2. Madambillath Nelli Valappil Moideen, aged
36 years, S/o.Madambillath Nelli Valappil
Beepathumma, residing at South Trikarapur,
P.O.South Trikarapur, Kasaragod District. |] | |
| 3. Madambillath Nelli Valappil Mariyambi,
D/o.Madambillath Nelli Valappil
Beepathumma, aged 32 years, residing at
South Trikarapur, P.O.South Trikarapur. |] | |
| 4. Kattoor Khadeeja, aged 60 years,
D/o.Aliyumma, residing at Payyannur
amsom desom, P.O.Payyannur.
<i>Legal representatives of deceased 1st
petitioner Suppl.P5 to 9.</i> |] | |
| <i>Wife:-</i> |] | |
| 5. T.P.Fathima, aged 41 years, No occupation |] | |
| <i>Children:</i> |] | Petitioners |
| 6. T.P.Asrudhin, aged 23 years, student |] | |
| 7. T.P.Aslam, aged 21 years, Student |] | |
| 8. T.P.Haneesa, aged 19 years, No occupation |] | |
| 9. T.P.Ajeer, aged 15 years, Minor, next friend
mother 5 th petitioner.
Suppl. P 5 to 9 are residing at TP House,
Vadakkumbad, Ramanthali amsom,
P.O.Ramanthali.
<i>Suppl.P5 to P9 impleaded and amended as
per Order in IA.768/2008 and IA.769/2008
dated 6.6.2008.</i>
<i>Suppl. P5 to 9 deleted as per order in
IA.261/10 dated 25.5.2010.</i> |] | |

Vs.

- | | | |
|--|---------------------------------|-------------|
| 1. C.T.Sulaiman, age not known, S/o.Mammu
Haji, Room No.PM.XXII/792, Modern
Radio Electricals, Payyanur, P.O.Payyanur. |]
]
] | |
| <u>Suppl. R2 to 7:-</u> |] | |
| 2. Thayyil Purayil Fathima, aged 42 years,
W/o.Late Madambillath Nelli Valappil
Ameer Ali, Vadakkumbad, P.O.Ramanthali. |]
]
] | |
| 3. Assarudhin, S/o.Late Madambillath Nelli
Valappil Ameer Ali, aged 24 years,
Vadakkumbad, P.O.Ramanthali. |]
]
] | |
| 4. Muhammed Aslam, S/o.Late Madambillath
Nelli Valappil Ameer Ali, aged 22 years,
Vadakkumbad, P.O.Ramanthali. |]
]
] | Respondents |
| 5 Haneesa, D/o.Late Madambillath Nelli
Valappil Ameer Ali, aged 20 years,
Vadakkumbad, P.O.Ramanthali. |]
]
] | |
| 6 Muhammed Ajeer (Minor) aged 16 years,
represented by his mother T.P.Fathima,
Vadakkumbad, P.O.Ramanthali. |]
]
] | |
| 7. K.V.Damodaran, Cloth merchant,
Payyannur.
Suppl. R2 to 7 impleaded as per order in
IA.2119/09 and amended as per Order in
IA.2120/09 dated 25.5.2010. |]
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RCP NO.25 OF 2015

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| 1. Madambillath Nelli Valappil Ameer Ali
(Died), aged 50 years, S/o.Madambillath
Nelli Valappil Beepathumma, residing at
South Trikarpur, P.O.South Trikarpur,
Kasaragod District. |]
]
]
]
] | |
| 2. Madambillath Nelli Valappil Moideen,
S/o.Madambillath Nelli Valappil
Beepathumma, aged 26 years, residing at
South Trikarpur, P.O.South Trikarpur,
Kasaragod District. |]
]
]
]
] | Petitioners |
| 3. Madambillath Nelli Valappil Mariyambi,
D/o.Beepathumma, aged 32 years, residing
at South Trikarpur, P.O.South Trikarpur,
Kasaragod District. |]
]
]
] | |

4. Kattoor Khadeeja, aged 60 years,]
D/o.Aliyumma, residing at Payyannur]
amsom and desom, P.O.Payyannur.]
Legal representatives of deceased 1st]
petitioner Suppl.P5 to 9.]
Wife:-]
5. T.P.Fathima, aged 41 years, No occupation]
Children:]
6. T.P.Asrudhin, aged 23 years, student]
7. T.P.Asram, aged 21 years, Student] Petitioners
8. T.P.Haneesa, aged 19 years, No occupation]
9. T.P.Ajeer, aged 15 years, Minor, next friend]
mother 5th petitioner.]
Suppl. P 5 to 9 are residing at TP House,]
Vadakkumbad, Ramanthali amsom,]
P.O.Ramanthali.]
Suppl.P5 to P9 impleaded and amended as]
per Order in IA.772/2008 and IA.773/2008]
dated 6.6.2008.]
Suppl. P5 to 9 deleted as per order in]
IA.271/10 dated 25.5.2010.]

Vs.

1. G.Hrishikesh, S/o.Late U.Ganesh Shenoy,]
age not known, Room.No.PM.XXII/784,]
First Floor, Electronics parts shop, Near KV]
Damodaran Textiles, Payyannur]
Suppl. R2 to 7:-]
2. Thayyil Purayil Fathima, aged 42 years,]
W/o.Late Madambillath Nelli Valappil]
Ameer Ali, Vadakkumbad, P.O.Ramanthali.]
3. Assarudhin, S/o.Late Madambillath Nelli] Respondents
Valappil Ameer Ali, aged 24 years,]
Vadakkumbad, P.O.Ramanthali.]
4. Muhammed Aslam, S/o.Late Madambillath]
Nelli Valappil Ameer Ali, aged 22 years,]
Vadakkumbad, P.O.Ramanthali.]
5. Haneesa, D/o.Late Madambillath Nelli]
Valappil Ameer Ali, aged 20 years,]
Vadakkumbad, P.O.Ramanthali.]
6. Muhammed Ajeer (Minor) aged 16 years,]
represented by his mother T.P.Fathima,]
Vadakkumbad, P.O.Ramanthali.]

- | | | |
|--|---|-------------|
| 7. K.V.Damodaran, Cloth merchant, |] | |
| Payyannur. |] | |
| Suppl. R2 to 7 impleaded as per order in |] | Respondents |
| IA.2127/09 and amended as per Order in |] | |
| IA.2128/09 dated 25.5.2010. |] | |

RCP NO.26 OF 2015

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|--|---|-------------|
| 1. Madambillath Nelli Valappil Ameer Ali
(Died), aged 50 years, S/o.Madambillath
Nelli Valappil Beepathumma, residing at
South Trikarapur, P.O.South Trikarapur,
Kasaragod District. |] | |
| 2. Madambillath Nelli Valappil Moideen, aged
36 years, S/o.Madambillath Nelli Valappil
Beepathumma, residing at South Trikarapur,
P.O.South Trikarapur, Kasaragod District. |] | |
| 3. Madambillath Nelli Valappil Mariyambi,
aged 32 years, D/o.Beepathumma, residing
at South Trikarapur, P.O.South Trikarapur,
Kasaragod District. |] | |
| 4. Kattoor Khadeeja, aged 60 years,
D/o.Aliyamma, residing at Payyannur
amsom desom, P.O.Payyannur.
<i>Legal representatives of deceased 1st
petitioner Suppl.P5 to 9.</i> |] | |
| <u>Wife:-</u> |] | Petitioners |
| 5. T.P.Fathima, aged 41 years, No occupation |] | |
| <u>Children:</u> |] | |
| 6. T.P.Asrudhin, aged 23 years, student |] | |
| 7. T.P.Asalam, aged 21 years, Student |] | |
| 8. T.P.Haneesa, aged 19 years, No occupation |] | |
| 9. T.P.Ajeer, aged 15 years, Minor, next friend
mother 5 th petitioner.
Suppl. P 5 to 9 are residing at TP House,
Vadakkumbad, Ramanthali amsom,
P.O.Ramanthali.
<i>Suppl.P5 to P9 impleaded and amended as
per Order in IA.774/2008 and IA.775/2008
dated 6.6.2008.</i>
<i>Suppl. P5 to 9 deleted as per order in
IA.273/10 dated 25.5.2010.</i> |] | |

Vs.

- | | | |
|--|---|-------------|
| 1. M.V.Arunan, age and fathers name not known, Arun Nivas, Kandangali, P.O.Kandangali, Payyannur (Via), Kannur District. |] | |
| Suppl. R2 to 7:- |] | |
| 2. Thayyil Purayil Fathima, aged 42 years, W/o.Late Madambillath Nelli Valappil Ameer Ali, Vadakkumbad, P.O.Ramanthali. |] | |
| 3. Assarudhin, S/o.Late Madambillath Nelli Valappil Ameer Ali, aged 24 years, Vadakkumbad, P.O.Ramanthali. |] | |
| 4 Muhammed Aslam, S/o.Late Madambillath Nelli Valappil Ameer Ali, aged 22 years, Vadakkumbad, P.O.Ramanthali. |] | Respondents |
| 5 Haneesa, D/o.Late Madambillath Nelli Valappil Ameer Ali, aged 20 years, Vadakkumbad, P.O.Ramanthali. |] | |
| 6 Muhammed Ajeer (Minor) aged 16 years, represented by his mother T.P.Fathima, Vadakkumbad, P.O.Ramanthali. |] | |
| 7 K.V.Damodaran, Cloth merchant, Payyannur. |] | |
| Suppl. R2 to 7 impleaded as per order in IA.2131/09 and amended as per Order in IA.2132/09 dated 25.5.2010. |] | |

RCP NO.27 OF 2015

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|--|---|-------------|
| 1. Madambillath Nelli Valappil Ameer Ali (Died), S/o.Madambillath Nelli Valappil Beepathumma, aged 50 years, residing at South Trikarapur, P.O.South Trikarapur, Kasaragod District. |] | |
| 2. Madambillath Nelli Valappil Moideen, aged 36 years, S/o.Madambillath Nelli Valappil Beepathumma, residing at South Trikarapur, P.O.South Trikarapur, Kasaragod District. |] | Petitioners |
| 3. Madambillath Nelli Valappil Mariyambi, aged 32 years, D/o.Beepathumma, residing at South Trikarapur, P.O.South Trikarapur, Kasaragod District. |] | |

4. Kattoor Khadeeja, aged 60 years,]
D/o.Aliyumma, residing at Payyannur]
amsom desom, P.O.Payyannur.]
Legal representatives of deceased 1st]
petitioner Suppl.P5 to 9.]
Wife:-]
5. T.P.Fathima, aged 41 years, No occupation]
Children:]
6. T.P.Asrudhin, aged 23 years, student]
7. T.P.Aslam, aged 21 years, Student] Petitioners
8. T.P.Haneesa, aged 19 years, No occupation]
9. T.P.Ajeer, aged 15 years, Minor, next friend]
mother 5th petitioner.]
Suppl. P 5 to 9 are residing at TP House,]
Vadakkumbad, Ramanthali amsom,]
P.O.Ramanthali.]
Suppl.P5 to P9 impleaded and amended as]
per Order in IA.776/2008 and IA.777/2008]
dated 6.6.2008.]
Suppl. P5 to 9 deleted as per order in]
IA.280/10 dated 25.5.2010.]

Vs.

1. K.Kunhammad, age and father's name not]
known. Room No.PM.XXII/787, Near]
Bhat's Dental Clinic, Payyannur.]
Suppl. R2 to 7:-]
2. Thayyil Purayil Fathima, aged 42 years,] Respondents
W/o.Late Madambillath Nelli Valappil]
Ameer Ali, Vadakkumbad, P.O.Ramanthali.]
3. Assarudhin, S/o.Late Madambillath Nelli]
Valappil Ameer Ali, aged 24 years,]
Vadakkumbad, P.O.Ramanthali.]
4 Muhammed Aslam, S/o.Late Madambillath]
Nelli Valappil Ameer Ali, aged 22 years,]
Vadakkumbad, P.O.Ramanthali.]
5 Haneesa, D/o.Late Madambillath Nelli]
Valappil Ameer Ali, aged 20 years,]
Vadakkumbad, P.O.Ramanthali.]
6 Muhammed Ajeer (Minor) aged 16 years,]
represented by his mother T.P.Fathima,]
Vadakkumbad, P.O.Ramanthali.]

7. K.V.Damodaran, Cloth merchant,]
 Payyannur.]
 Suppl. R2 to 7 impleaded as per order in] Respondents
 IA.2135/10 and amended as per Order in]
 IA.2136/10 dated 25.5.2010.]

RCP NO.28 OF 2015

1. Madambillath Nelli Valappil Ameer Ali]
 (Died), S/o.Madambillath Nelli Valappil]
 Beepathumma, aged 50 years, residing at]
 South Trikarapur, P.O.South Trikarapur,]
 Kasaragod District.]
2. Madambillath Nelli Valappil Moideen, aged]
 36 years, S/o.Madambillath Nelli Valappil]
 Beepathumma, residing at South Trikarapur,]
 P.O.South Trikarapur, Kasaragod District.]
3. Madambillath Nelli Valappil Mariyambi,]
 aged 32 years, D/o.Beepathumma, residing]
 at South Trikarapur, P.O.South Trikarapur,] Petitioners
 Kasaragod District.]
4. Kattoor Khadeeja, aged 60 years,]
 D/o.Aliyumma, residing at Payyannur]
 amsom desom, P.O.Payyannur.]
Legal representatives of deceased 1st]
petitioner Suppl.P5 to 9.]
Wife:-]
5. T.P.Fathima, aged 41 years, No occupation]
- Children:]
6. T.P.Asrudhin, aged 23 years, student]
7. T.P.Aslam, aged 21 years, Student]
8. T.P.Haneesa, aged 19 years, No occupation]
9. T.P.Ajeer, aged 15 years, Minor, next friend]
 mother 5th petitioner.]
 Suppl. P 5 to 9 are residing at TP House,]
 Vadakkumbad, Ramanthali amsom,]
 P.O.Ramanthali.]
Suppl.P5 to P9 impleaded and amended as]
per Order in IA.778/2008 and IA.779/2008]
dated 6.6.2008.]
Suppl. P5 to 9 deleted as per order in]
IA.282/10 dated 25.5.2010.]

Vs.

- | | | |
|--|---|-------------|
| 1. Dr.K.Subrahmanya Bhat, Age not known, |] | |
| D/o.Shyama Bhat, Dentist, Payyannur, |] | |
| P.O.Payyannur, Kannur District. |] | |
| <u>Suppl. R2 to 7:-</u> |] | |
| 2. Thayyil Purayil Fathima, aged 42 years, |] | |
| W/o.Late Madambillath Nelli Valappil |] | |
| Ameer Ali, Vadakkumbad, P.O.Ramanthali. |] | |
| 3. Assarudhin, S/o.Late Madambillath Nelli |] | |
| Valappil Ameer Ali, aged 24 years, |] | |
| Vadakkumbad, P.O.Ramanthali. |] | |
| 4. Muhammed Aslam, S/o.Late Madambillath |] | Respondents |
| Nelli Valappil Ameer Ali, aged 22 years, |] | |
| Vadakkumbad, P.O.Ramanthali. |] | |
| 5 Aneesa, D/o.Late Madambillath Nelli |] | |
| Valappil Ameer Ali, aged 20 years, |] | |
| Vadakkumbad, P.O.Ramanthali. |] | |
| 6 Muhammed Ajeer (Minor) aged 16 years, |] | |
| represented by his mother T.P.Fathima, |] | |
| Vadakkumbad, P.O.Ramanthali. |] | |
| 7. K.V.Damodaran, Cloth merchant, |] | |
| Payyannur. |] | |
| Suppl. R2 to 7 impleaded as per order in |] | |
| IA.2147/09 and amended as per Order in |] | |
| IA.2148/09 dated 25.5.2010. |] | |

These Petitions filed under Section 5 of the Kerala Building (Lease and Rent Control) Act.

Court Fee paid ₹ 2/- each

These petitions are coming on the 1st day of April 2019 for hearing before me in the presence of S/Sri.K.Vijayakumar and K.R.Padmanabhan, advocates for the petitioners in all RCPs; of Sri.P.M.Nandakumar, advocate for the 1st respondent in RCP.21/2005; of Sri.K.V.Ganesan, advocate for the 1st respondent in RCP.22/2005 and RCP.27/2005; of Sri.Sukumaran, advocate for 1st respondent in RCP.23/2005; of S/Sri.P.Eswaran Namboodiri and Smt.S.Gowri Antherjanam, advocates for the 1st respondent in RCP.25/2005; of Sri.M.G.Dinesh, advocate for the 1st respondent in RCP.26/2005; of Sri.T.K.Muraleedharan, advocate for the 1st respondent in RCP.28/2005; of Sri.D.K.Kunhikannan, advocate for the 1st respondent in

RCP.29/2005, of Sri.M.V.Amaresan, advocate for the 1st respondent in RCP.30/2005; of Sri.T.K.Muraleedharan, advocate for the 7th respondent in all RCPs; respondents name called absent set exparte in all RCPs and having stood over to this day for consideration and the Court passed the following:-

COMMON ORDER

These Applications are filed under section 5 of the Kerala Buildings (Lease and Rent Control) Act 1965 for Fixation of Fair Rent in respect of different rooms situated in the same building occupied by different tenants. These RCP's are suo moto jointly tried as per order dated 21.7.2008 passed in RCP 21/05

RCP 21/2005

Brief facts:

I. The petitioners and Abdulla and Ashraf are the owners of the building which is occupied by the respondent. The 4th petitioner purchased the right of second and third petitioner as per document No.3371/2009 of SRO, Payyannur. Thereafter, the respondent No.2 to 6 executed a document No.3064/2009 in favour of respondent No.7 alienating their share. The petitioner do not admit that transaction.

2. The respondent is in occupation of one room bearing No.PMXXII/785 in the first floor of the building owned by these petitioners, The monthly rent paid by the respondent is ₹.455/-. The rent is meagre considering the commercial importance of the building in which the room situates. The building situates in the heart of Payyannur town and faces main road and respondent's room also faces the main road. The plinth area of the room is 260 square feet. The distance from payyannur bus stand and Central Bazar to the said building is only about 100 metre. The building is in the middle of the prestigious business concerns in Payyannur. The percentage of floating population in front of the shop room is higher than anywhere else in Payyannur town. Gandhi Maidan, all the Educational institutions, Government offices and other establishments lies within a circumference of 250 metres from this building.

3. The respondent is conducting a tailoring shop in the room and more than

five employees are working under the respondent. The respondent is earning more than ₹.60,000/- per month from the business. Considering the income from the said room the rent paid by the respondent is very low. The rent prevailing for similar room in the same locality is more than ten times the rent being paid by the respondent. Taking into consideration of above mentioned circumstances the respondent is liable to pay ₹.8,000/- per month for the said room. But considering the fact that he is an existing tenant these petitioners seeks ₹.60,000/- as monthly rent for the said room.

4. The petitioner caused to send a lawyer notice to the respondent on 24.2.2005 calling upon to pay the enhanced rate of rent. The respondent sent a reply and the averments in the reply notice are denied. So the petitioner pray for fixing the fair rent of petition schedule room as ₹.6,000/- per month from the date of this petition.

5. The respondent No.1 filed a counter contending as follows;- The petition is not maintainable. It is not admitted that Abdulla and Ashraf are the co-owners of the petitioners and that petition is filed on their behalf also. It is admitted that the respondent is in occupation of the petition schedule room as per Kaichit dated on 10.8.1992 at a monthly rent of Rs.350/- from the petitioners and Abdulla and Ashraf, the rent was later on increased to Rs.455/- with effect from January, 1997. The claim that at present the rent is meagre considering the commercial importance of the locality and their the building situates in the heart of Payyannur town and faces main road and respondent's room also faces the main road, the plinth area of the room is 260 square feet are denied. The averment that distance from Payyannur bus stand and Central Bazar to the said building is only about 100 metre the building is in the middle of the prestigious business concerns in Payyannur, the percentage of floating population in front of the shop room is higher than anywhere else in Payyannur town, Gandhi Maidan, all the educational institutions, Government offices and other establishments lies within a circumferences of 250 metres from this building are denied.

6. It is admitted that the respondent is conducting a tailoring shop but the averments that there are five employees and they he is earning more than ₹.60,000/- per month and the prevailing rent for similar room is more than ten times the rent paid

by the respondent are denied. The claim that petitioners are entitled to ₹.4,000/- per month as fair rent of the room to but restricting claim to ₹.3,000/-are incorrect.

7. At the time of delivery of the building the respondent paid ₹.1,00,000/- as premium. The plinth area was not taken in to account while fixing the rent and in fact the initial rent of Rs.350/- itself was excessive. The Payyannur bus stand is split up. The Main Bus Stand has been shifted to a place, about 1 km away near Perumba. As such the importance of the locality has diminished and business also has come down. So the rent has to be reduced. There was only two employees under the respondent and due to the decrees in business they left. In the present circumstances the fair rent has to be fixed at Rs.225/- per month. So the respondent pray for fixing the fair rent of the building at a reduced rate of Rs.225/- per month.

8. For the 6th respondent Court Guardian filed a counter contending as follows; After the death of first petitioner the 6th respondent along with other legal heirs got ownership right in the petition schedule property. According to the contentions of the petitioners second respondent assigned the shares of this respondent as his natural guardian as per document No.3064/2009. This transfer is without the leave of the proper court and the court may ascertain whether the transaction is for the benefit of respondent No.6.

9. Respondent No.7 filed a counter contending as follows; The application for enhancement of rent is not maintainable. Original petition is filed by the petitioner No.1 to 4 and subsequently the petitioner No.1 died and his legal representatives were impleaded as petitioners. During the pendency of proceedings legal heirs of first petitioner transferred their undivided 2/18 shares to this respondent by virtue of document No.3064/2009 of SRO, Payyannur. The sale deed was executed after receiving full consideration and it was validly registered. So this respondent also became co-owner of the property along with the petitioners.

10. The rent presently paid is the reasonable and there is no necessity to enhance the rent. The rent control court is not competent to decide legal aspects of title. Since the respondent became co-owners of the property along with the petitioners, the petition is liable to be dismissed. Without prejudice the contention the

respondent submit that, in cases the court finds that the rent is subjected to enhancement, there may be an order to deposit proportionate share of this respondent before this court.

RCP 22/2005

Brief facts:-

11. This application is filed against another tenant occupying room No.PM XXII/780 situated in the ground floor and room No.PM XXII/789 allegedly two rooms situated in the first floor ,The rent of the ground floor is Rs.260/- and rent for two room in the first floor is Rs.585/-. The rent paid by the respondents are very meager. Plinth area of rooms is approximately 960 sq.ft. The averment regarding the importance of the locality and other facts for fixing the fair rent are same.

12. By taking in to consideration the importance of the locality and other aspects pleaded the respondent is liable to pay ₹.9,000/- as rent for ground floor and ₹.6,000/- as rent for each of the first floor rooms. Considering the facts that the respondent is an existing tenant the petitioners seeks ₹.6,000/- as monthly rent for the ground floor room and ₹.8,000/- as monthly rent each of the first floor rooms. So the petitioner pray for fixing the fair rent.

13. The first respondent filed a counter contending as follows; That the application is not maintainable. The averments that the petitioner is in occupation of one room in the ground floor and two rooms in the first floor is incorrect. The petitioner is occupying one room in the first floor and one room in the ground floor. The averment that the rent being paid by the respondent is meager and commercial importance of the locality and other facts pleaded in support of fixation of fair rent are denied.

14. The averments that the plinth area is 960 square feet is denied. The averments in the petition that distance from payyannur bus stand and Central Bazar to the said building is only about 100 metre, the building is in the middle of the prestigious business concerns in Payyannur, the percentage of floating population in front of the shop room is higher than anywhere else in Payyannur town, Gandhi

Maidan, all the Educational Institutions, Government offices and other establishments lies within a circumferences of 250 metres from this building are denied.

15. At present the respondent's business is in a bad shape and it deteriorated considerably and he is conducting retail business in very small scale. He has not employed any staff in his shop room and monthly income from the said room is very low. The rooms are in an interior area and people hardly come to this side of the building. The rooms are on the back side of the building. The petitioners taken a huge amount from the respondent as advance at the time of taking on rent. Further in the year 1996 the respondent had given 30% increase in rate of rent based on the rent prevailing at that time. The access to the room is through narrow pathway and the pathway ends on the western side of the rooms and the rooms cannot be seen from the main road, The business in the locality is reduced due to lack of parking facility. Another Bus stand came on the eastern side of Payyannur town and number of customers visiting area also come down. So the respondent is not liable to pay any enhanced rent and pray for dismissal of the application.

16. For the 6th respondent Court Guardian filed a counter contending as follows;

After the death of first petitioner the 6th respondent along with other legal heirs got ownership right in the petition schedule property. According to the contentions of the petitioners, second respondent assigned the shares of this respondent as his natural guardian as per document No.3064/2008. This transfer is without the leave of the proper court and the court may ascertain whether the transaction is for the benefit of respondent No.6.

17. Respondent No.7 filed a counter contending as follows:- The application for enhancement of rent is not maintainable. Original petition is filed by the petitioner No.1 to 4 and subsequently the petitioner No.1 died and his legal representatives were impleaded as petitioners. During the pendency of proceedings legal heirs of first petitioner transferred their undivided 2/18 shares to this respondent by virtue of document No.3064/2009 of SRO, Payyannur, The sale deed was executed after receiving full consideration and it was validly registered. So this respondent also

became co-owner of the property along with the petitioners.

18. The rent presently paid is the reasonable and there is no necessity to enhance the rent. The rent control court is not competent to decide legal aspects of title. Since the respondent became co-owners of the property along with the petitioners, the petition is liable to be dismissed. Without prejudice the contention the respondent submit that, in cases the court finds that the rent is subjected to enhancement, there may be an order to deposit proportionate share of this respondent before this court.

RCP 23/2005

19. Brief facts: This is also an application by the very same petitioners for fixing fair rent in respect of room No.PM XXII/792 situated in the ground floor. The present monthly rent is Rs.230/- and plinth area is approximately 130 sq.ft. The importance of the locality is the same as mentioned in the RCP 21 and 22/2005. The petitioners submit that considering the importance of the locality the respondent is liable to pay ₹.10,000/- as monthly rent but the claim is restricted to ₹.8,000/- per month.

20. The first respondent filed a counter denying all the averments in the petition regarding the importance of locality and the income of respondent. The respondent also denied that he is earning more than ₹.1,00,000/- per month as income and petitioner is entitled for ₹.4,000/- per month as rent. According to the respondent he is doing Electrical Services alone in the petition schedule room and she has only income from sale to accessories connected with said business. The business turn over of the respondent in 2002-2003 was ₹.1.45.856/- , in 2003-2004- ₹.1,85,153/- and in 2004-2005 less than ₹.2,00,000/-. So the yearly income is less than ₹.30,000/-. So according to the respondent there is no reason to enhance the rent and petition is liable to be dismissed.

21. For the 6th respondent Court Guardian filed a counter contending as follows;

After the death of first petitioner the 6th respondent along with other legal heirs got ownership right in the plaint schedule property. According to the contentions of the

petitioners, second respondent assigned the shares to this respondent as his natural guardian as per document No.3064/2009. This transfer is without the leave of the proper court and the court may ascertain whether the transaction is for the benefit of respondent No.6.

22. Respondent No.7 filed a counter contending as follows; The application for enhancement of rent is not maintainable. Original petition is filed by the petitioner No.1 to 4 and subsequently the petitioner No.1 died and his legal representatives were impleaded as petitioners. During the pendency of proceedings legal heirs of first petitioner transferred their undivided 2/18 shares to this respondent by virtue of document No.3064/2009 of SRO, Payyannur. The sale deed was executed after receiving full consideration and it was validly registered. So this respondent also became co-owner of the property along with the petitioners.

23. The rent presently paid is the reasonable and there is no necessity to enhance the rent. The rent control court is not competent to decide legal aspects of title. Since the respondent became co-owners of the property along with the petitioners, the petition is liable to be dismissed. Without prejudice the contention the respondent submit that, in cases the court finds that the rent is subjected to enhancement, there may be an order to deposit proportionate share of this respondent before this court.

RCP 25/2005

24. Brief facts:- This is also a petition for fixing the fair rent in respect of room No.PM XXII/784 in the first floor of the building occupied by the respondent . The present monthly rent is Rs.250/- and plinth area of the shop room is approximately 130 sq.ft. The importance of the locality is same like the other rooms.

25. The petitioner submit that a respondent is conducting an Electronic Parts Shop in the said room and the monthly profit is more than ₹.90,000/- . The rent paid is very low. Taking in to the importance of the locality the respondent is liable to pay ₹.6,000/- but the petitioners are claiming only ₹.4,000/- as monthly rent.

26. The first respondent filed a counter contending as follows; All the averments in the petition regarding the importance of locality and the claim of fixation

of fair rent is disputed. The plinth area mentioned in the petition is also denied. According to the respondent the room measured only 7' 11" x 16' 5" only .The varandhah of the room is narrow and staircase to the first floor is too narrow. The width of the Varandhah of the room is 3' 10" and on the western side the width is 2' 9", there is no space for the way in the Varandha. During rainy season the rain water splash in the Varandha side. The respondent is spending his time in such unhealthy atmosphere only to eke out his lively hood. The respondent's income is now reduced considerably, There is no justification for demanding fair rent and the rent sought is ₹.2,000/- and the income of the respondent will not be sufficient for payment of rent, So this respondents pray for dismissal of the application.

27 Subsequently after the amendment of petition enhancing the rent the respondent filed additional counter contending that 2 petitioner is not entitled to increase of rent even at the rate of ₹.2,000/- per month. Therefore no basis of the ₹.4,000/- per month. Hence the respondent pray for dismissal of the application.

28 For the 6th respondent Court Guardian filed a counter contending as follows; After the death of first petitioner the 6th respondent along with other legal heirs got ownership right in the plaint schedule property. According to the contentions of the petitioners, second respondent assigned the shares to this respondent as his natural guardian as per document No.3064/2009. This transfer is without the leave of the proper court and the court may ascertain whether the transaction is for the benefit of respondent No.6 .

29 Respondent No.7 filed a counter contending as follows; The application for enhancement of rent is not maintainable. Original petition is filed by the petitioner No.1 to 4 and subsequently the petitioner No.1 died and his legal representatives were impleaded as petitioners. During the pendency of proceedings legal heirs of first petitioner transferred their undivided 2/18 shares to this respondent by virtue of document No.3064/2009 of SRO, Payyannur. The sale deed was executed after receiving full consideration and it was validly registered. So this respondent also became co-owner of the property along with the petitioners.

30. The rent presently paid is reasonable and there is no necessity to enhance the rent. The Rent Control Court is not competent to decide the share and other legal aspects of title. Since the respondent became co-owners of the property along with the petitioners, the petition is liable to be dismissed.

31. Without prejudice to the contention the respondent submit that in cases the court finds that the rent is subjected to enhancement, there may be an order to deposit proportionate share of this respondent before this court.

RCP 26/2005

Brief facts:-

32. This is also an application for fixation of fair rent in respect of room No. PM XXII/779 in the first floor of the building owned by the petitioners and occupied by the respondent. The present monthly rent is Rs.230/- and the plinth area is 190 sq.ft. The importance of the locality is as mentioned in the other RCPs. According to the petition the respondent is liable to pay ₹.5.000/- as monthly rent but the claim is restricted to ₹.3,000/-.

33 The first respondent filed a counter contending as follows : All the averments in the petition including the importance of locality and the plinth area of building are denied. According to the respondent the plinth area is only below 130 sq.ft. The width of the room is only 9 feet. According to this respondent he and his family depend upon is meager income received from the business in the petition schedule room. There is neck to neck competition in the business and the business was dull. The petitioners are aware of the pathetic business conditions. The rent prevailing for similar rooms in the locality is lesser than the rent paid by the respondent. The petitioners are not depending upon the rent received the building for their lively hood. So this respondent also pray for dismissal of the application.

34 For the 6th respondent court guardian filed a counter contending as follows: After the death of first petitioner the 6th respondent along with other legal heirs got ownership right in the plaint schedule property. According to

the contentions of petitioners, second respondent assigned the shares of this respondent as his natural guardian as per document No.3064/2009. This transfer is without the leave of the proper court and the court may ascertain whether the transaction is for the benefit of respondent No.6.

35 Respondent No.7 filed a counter contending as follows; The application for enhancement of rent is not maintainable. Original petition is filed by the petitioner No.1 to 4 and subsequently the petitioner No.1 died and his legal representatives were impleaded as petitioners. During the pendency of proceedings legal heirs of first petitioner transferred their undivided 2/18 shares to this respondent by virtue of document No.3064/2009 of SRO, Payyannur. The sale deed was executed after receiving full consideration and it was validly registered. So this respondent also became co-owner of the property along with the petitioners.

36. The rent presently paid is reasonable and there is no necessity to enhance the rent. The Rent Control Court is not competent to decide the share and other legal aspects of title. Since the respondent became co-owners of the property along with the petitioners, the petition is liable to be dismissed.

37. Without prejudice the contention the respondent submit that in cases the court finds that the rent is subjected to enhancement, there may be an order to deposit proportionate share of this respondent before this court.

RCP 27/2005

Brief facts:-

38. This is also an application filed by the very same landlord for fixing fair rent in respect of the room bearing No.PM.XXII/787. The present monthly rent is Rs.260/- and the plinth area is 300 sq.ft. The respondent is using the room as godown of his business and earning more than ₹.2,00,000/- from the business per month. So considering the importance of the locality and income of the respondent the rent is 23 very meager. Considering the importance of the locality of respondent is liable to pay ₹.9,000/- as monthly rent but the claim is restricted to ₹.7,000/- per month.

39. The first respondent filed a counter contending as follows; All the averments in support of the application including the plinth area and the importance of the locality are denied. The respondent submit that business in the locality is lesser than before due of lack of parking facility. Another bus stand has come on the eastern side of the Payyannur town and number of customers visiting this area are reduced. There is no material improvement in the locality after the respondent obtained lease, So this respondent also pray for dismissal of the application.

40. For the 6th respondent court guardian filed a counter contending as follows: For obtaining the relief the petitioner has to prove all the relevant facts pleaded. So this respondent pray for recording the counter and pass appropriate orders.

41. Respondent No.7 filed a counter contending as follows; The application for enhancement of rent is not maintainable. Original petition is filed by the petitioner No.1 to 4 and subsequently the petitioner No.1 died and his legal representatives were impleaded as petitioners. During the pendency of proceedings legal heirs of first petitioner transferred their undivided 2/18 shares to this respondent by virtue of document No.3064/2009 of SRO, Payyannur. The sale deed was executed after receiving full consideration and it was validly registered. So this respondent also became co-owner of the property along with the petitioners.

42. The rent presently paid is reasonable and there is no necessity to enhance the rent. The Rent Control Court is not competent to decide the share and other legal aspects of title. Since the respondent became co-owners of the property along with the petitioners, the petition is liable to be dismissed.

43. Without prejudice the contention the respondent submit that in cases the court finds that the rent is subjected to enhancement, there may be an order to deposit proportionate share of this respondent before this court.

RCP 28/2005

Brief facts:-

44. This also an application filed by the very same landlord for fixing fair rent in respect of the room bearing No.PM.XXII/788 situated in the ground floor. The

present monthly rent is Rs.910/- and the plinth area is 300 sq.ft. The importance of the locality is same as mentioned in the other petitions. The respondent's husband is conducting Textile Shop in the name and style as K.V.Damodaran Textiles near to the building owned by the petitioner and in the building of petitioners. The respondent's husband is a millionaire and his Textile shop is ranked as one of the best Textile shop in Kannur District. The monthly profit out of the said room is ₹.1,00,000/-. Considering the income and importance of locality the respondent is liable to pay ₹.9,000/- per month as fair rent and the claim is restricted to ₹.6,000/- per month.

45. The first respondent filed a counter contending as follows ; All the averments in the petition including the plinth area of the building and importance of the locality and the monthly income stated in the petition. According to the respondent the locality remains now totally abandoned as the activities of the old Bus Stand become stiff due to formation of new Bus Stand at Perumba. The Buses are rarely coming to the old bus stand and the public also eager to contain their activities to new Bus Stand. The rent now paid by the respondent and the prevailing rent in the locality is also similar. In the same locality there are rooms available for monthly rent of Rs.100/-.

46. There are several rooms available in the locality. In the very same building owned by these petitioners there are number of rooms which remained closed for 25 want of occupants. Since there is no road access to the building nobody is ready to occupy these room and out of frustration the petition is filed. There is no general or special amenities available in the building and even a bicycle can not be parked, near the building. There is no open space the premises is so congested and one can not have easy access to the building. So the rent presently paid is reasonable.

47. For the 6th respondent court guardian filed a counter contending as follows; For obtaining the relief the petitioner has to prove all the relevant facts pleaded. So this respondent pray for recording the counter and pass appropriate orders.

48. Respondent No.7 filed a counter and the contention raised by him is similar in all the petitions and to avoid repetition the same is not extracted.

RCP 29/2010**Brief facts:-**

49. This is also an application filed by the very same landlord for fixing fair rent in respect of the room bearing No.PM.XXII/782 situated in the ground floor. The present monthly rent is Rs.250/- and the plinth area is 230sq.ft. The basis for fixation of fair rent including the importance of the locality is same as averred in the other petitions. According to the petitioner considering all the relevant aspects respondent is liable to pay ₹.8000/- as monthly rent but the claim is restricted to ₹.5000/-per month,

50 The First Respondent filed a counter contending as follows :All the averments in the petition including the importance of locality and the plinth area are denied. The respondent submit that the room in the possession of the respondent this faces towards the narrow pathway which passes north south direction on the western side of the respondent's room. The room does not faces the main road. The pathway does not give proper access or look to respondent's room. It is a small 26 room, the room is situated in the first floor and the present rent paid is very reasonable. This respondent also contend that commercial importance of the locality is reduced rather than increased and there is also lack of parking space affecting the business. So the petitioners are not entitled to any increase in the rent.

51. For the 6th respondent court guardian filed a counter contending as follows; For obtaining the relief the petitioner has to prove all the relevant facts pleaded. So this respondent pray for recording the counter and pass appropriate orders.

52. Respondent No.7 filed a counter and the contention raised by him is similar in all the petitions and to avoid repetition the same is not extracted.

RCP 30/2005**Brief facts;**

53. This is also an application filed by the very same landlord for fixing fair rent in respect of the room bearing No.PM.XXII/781 situated in the first floor. The rent being paid is Rs.200/- for the staircase room and Rs.420/- for the first floor room.

The plinth area of staircase room is 75 sq.ft. and of the first floor is approximately 410 sq.ft. The respondent is liable to pay ₹.5,000/- as monthly rent for ground floor and ₹.9,000/- for first floor. Claim is restricted to ₹.2,000/- for the ground floor and ₹.7,000/- for first floor room.

54. The first respondent filed a counter contending as follows ;

All the averments in the petition including importance of the locality, plinth area, and commercial importance of the locality are denied. The monthly income of the respondent stated in the petition is also denied. The respondent submit that the room of the respondent lies interior and far away from the main road and cannot be noticed by public passing through the main road. If only one come in search of the respondent for his service one can find the respondent that too with great difficulties. The respondent is somehow managing the clinic because of his quality of practice. Considering other Dental Clinic which are facing main road they are getting good number of patients. Accessibility and notice ability are the true aspect of success and competency of Doctor comes second. The building is of primitive architecture and without proper ventilation and do not attract people. Considering all these aspects the present rent is very reasonable. So this respondent prayed for dismissal of the application. After amended the respondent No.1 filed addition counter contending that the enhancement originally claimed itself is unreasonable and the present claim is excessive.

55. For the 6th respondent court guardian filed a counter contending as follows; For obtaining the relief the petitioner has to prove all the relevant facts pleaded. So this respondent pray for recording the counter and pass appropriate orders.

56. Respondent No.7 filed a counter and the contention raised by him is similar in all the petitions and to avoid repetition the same is not extracted.

57. The respondents 2 to 5 remained ex-parte in all the proceedings.

58. The following points are arise for consideration ;

- 1) Whether the rent control petitions are maintainable in view of the transfer of interest of some of the co-owners in favour of 7th respondent during pendency of the proceedings ?

- 2 Whether the petitioner is entitled to get fixation of fair rent of the building by enhancement of the present rent ?
- 3 Whether all the guidelines provided by the Hon'ble High Court in 2004 (2) KLT 767 can be taken in to account in the absence of pleading regarding those guidelines in the petition for fixing fair rent ?
- 4 Whether the rent presently paid by the respondent in different Rent Control Petitions are fair and reasonable rent as contended by the respondent ?
- 5 What is the fair rent to be fixed in respect of the rooms occupied by different tenants?
- 6 What order as to reliefs and costs?

59. The evidence in this case consists of oral evidence of PW1, Exts.A1 to A39(Series), Ext.C1 to Ext.C4. Heard the counsel for the petitioner and the counsel appearing for the respondents in different RCPs.

Point No.1:-

60. The petitions were allowed by this court on 30.10.2010 by a common order. The aggrieved respondents herein had approached Hon'ble appellate authority and after hearing the appeal, the said appellate authority remanded the matter to this court by way of a common judgment dated 23.03.2017 for fresh disposal. The application is filed under Section 5 for fixation of rent by all the co- owners of the buildings in which the rooms occupied by all the respondents are situated. During the pendency of the proceedings the first petitioner died and his legal heirs were impleaded as Supp. Petitioners No 5 to 9. Subsequently in the year 2009 the legal representatives of the first petitioner transferred their entire right in favour of respondent No.7. Consequentially the petitioners moved application for deleting the name of petitioner No.5 to 9 and impleading them as supplemental respondents 2 to 6 and the person to whom the undivided share was transferred was sought to be impleaded as Supp. R7. This application was allowed and the name of supplemental petitioner No.5 to 9 were deleted and they were impleaded as supplemental respondents No.2 to 6 and the transferee of their share is impleaded as supplemental respondent No.7. So admittedly the petition schedule buildings belongs to petitioners

and respondents No.2 to 6 jointly and they transferred the same in favour of respondent No.7.

61. It is basing upon this subsequent transfer after the filing of the Rent control Petition for fixation of fair rent, the respondents contended that the Rent Control Petition is not maintainable. I do not find any merit in the contentions raised by the learned counsel for the respondents that the rent control petition for fixation of fair rent is not maintainable in view of transfer of share of the building by respondents No.2 to 6 in favour of respondent No.7. It is admitted that proposition of law that one co-owner can file rent control petition on behalf of other co-owners.

62. More over the application is not for eviction of the tenant but for fixation of fair rent. It is not a matter of prejudicially affecting the other co-owners but in fact a matter enuring to the benefit of other co-owners. The pleadings of 7th respondent also becomes relevant in this context. He has taken alternative pleas in the counter statement filed before the court. The first plea was that the present rent is fair and there is no necessity to refix the fair rent. Secondly if the court finds that the rent is liable to be enhanced and fair rent is fixed there may be a direction to deposit his share of rent before the court. When the person took alternative pleas in his pleadings before the court which is contrary, it is for him to give evidence before the court to substantiate the plea on which he relies. In those circumstances, it is the bounden duty of the 7th respondents to enter the witness box and depose whether he wants fixation of fair rent or the present rent is fair. But he has not entered in the witness box . It is a delicate situation as far as the 7th respondent is concerned because he purchased 2/18 share in respect of the entire building and at the same time he is the tenant in respect of seven other rooms in same building and fixation of fair rent of that rooms are also pending as RCP 24/2005. So in both ways he will be benefited. If rent is increased by fixing fair rent he will get 2/18 share in respect of all the rooms. At the same time he will be liable to pay fair rent in respect of seven rooms occupied by him. Thus he had the reason to take contrary plea and not given any evidence before the court to show which plea he is supporting. Hence the court can not say that one of the co-owner is against fixation of fair rent. In those circumstances it cannot be said that the rent control petition for fixing the fair rent are not maintainable. Therefore, I find that the

rent control petition originally filed by the landlord can not be dismissed on the ground that during the pendency of the proceedings some of them transferred their right in favour of another person. So the point is found in favour of the petitioner.

63. **Point No.2 and 3:-** .The case of petitioner is that the building was let out to the respondents years back and the rent of the petition schedule room remained static and is very meagre. Therefore, the fair rent of the building has to be fixed taken in to account of the relevant factors. Section 5 of the Rent Control Act deals with the provisions regarding the determination of fair rent in respect of building. The matter come up before the consideration of Hon'ble High Court in Edger Ferus v.Abraham Ittycheria in 2004(1) KLT 767. The Hon'ble High Court after examining the fundamental right guaranteed to the landlord under Article 19 (1)(g) and 21 of the constitution of India held that the contention of continued occupation by tenant and the protection of statutory tenant is subject to the fundamental rights of the landlord. The Hon'ble High Court has retained section 5 (1) in the statute book while struck down other provisions of section 5 and necessary parameters are laid down for proper fixation of fair rent. It is thereafter the present application moved before the court. The decision of the Hon'ble High Court in 2004(1) KLT 767 is approved by the Hon'ble Apex court in 2009 (4) KLT 673. So at present section 5(1) of the Rent Control Act remain in the statute books. Section 3(1) provided that “rent control court shall on application by the tenant or landlord of a building, fix the fair rent of such 31 building after holding such enquiry as it thinks fit’.

64. The question is whether the rent control court which is approached by landlord for fixing fair rent can refuse to look in to the parameters laid down by the Hon'ble High Court stating that the parameters are not pleaded by the petitioner. According to me, the answer is certainly negative. The statute only provides that fair rent has to be fixed by the court by making such enquiry as it thinks fit. Whenever petition is filed for fixing fair rent either by the landlord or by the tenant automatically the court is bound to adjudicate the question by considering the parameters laid down by the Hon'ble High Court notwithstanding whether those guidelines are pleaded or not. Otherwise, I should be an abdication of the responsibility of the court to follow

the guidelines provided by the Hon'ble High Court.

65. So I find that the landlord is entitled to get fixation of fair rent in the absence of pleading regarding the guidelines is of no consequence and the court is bound to adjudicate and fix the fair rent by considering all the guidelines provided by the Hon'ble High Court 2004(1) KLT 767. So this point found in favour of petitioner.

66. Point No.4:- According to the petitioner the present rent paid by the respondents are very meagre and considering the present rate of inflation, cost of living and importance of the locality the rent is liable to be re-fixed by increasing the rent. All the respondents contend that the present rent paid them is fair rent and some of the respondent contend that the present rent is excess and fair rent has to be fixed by reducing the monthly rent. Before getting in to the fixation of fair rent in respect of different rooms I may first deal with the guidelines provided by the Hon'ble High Court for fixation of fair rent and what are the evidence available before the court with respect to these guidelines to ascertain whether the present rent is the fair rent or required upward revision as contended by the petitioner.

67. The petitioner submitted an argument note and some additional material in the form of computer print out document to prove inflation rate in India as to reflect on the fixation of fair rent. The counsel for the respondent in RCP 25/2005 and RCP 30/2005 also submitted argument note. These Rent Control petition for fixation of fair rents are suo-moto jointly tried by this court in view of the fact that as far as some of the guidelines provided by the Hon'ble High Court and factual aspect to be decided are one and the same in all cases. All the rooms are situated in same building, a portion of which faces main road and some of the rooms faces to a passage provided on the eastern side and some of the rooms are on the ground floor and some of the rooms are on the first floor. Different yardstick and principle will apply while fixing the fair rent of the room which are in the ground floor and that in the first floor. Likewise there have to be difference regarding the rooms which are facing main road and those rooms which are facing the passage on the eastern side. Apart from that the inflationary aspect, commercial importance of the locality, availability of accommodation and demand for accommodation etc. are common in respect of all these rent control

petitions. Guidelines No.7 to 11 mentioned in the decision of Hon'ble High Court are almost common in respect all the petitions.

68. Now I may briefly examine the guidelines and the evidence available before the court. The first aspect to be considered by the court is the inflation and the resultant reduction in purchasing power of money, variation in the cost of living index in the area since commencement of lease, demand for accommodation and availability of the building in the locality, No one dispute the fact that there is inflation in India resulting in reduction in purchasing power of money and the cost of living also considerably increased over the years. To what extent the inflation has affected the purchasing power of money and increased the cost of living has to be considered by the court. According to the counsel for the petitioner rate of inflation in India is on average of 8% since 1980, which is supported by the the print out of a speech made by Dr. Y V Reddy under the Title "Indian Economy: A Retrospect and Prospects", produced by the petitions. The copy of the speech is taken from the website of Reserve Bank of India. In the Article produced by the petitioner, the author mentioned that India maintained an impressive records of maintaining an average annual inflation rate as measured by the increase in WPI (on average basis) at 8% during the period. In the very same Article wide the special title Post Reform Performance the author mention that the inflation rate was an average at a high of 10.7 % per annum in the first five years which come down the 8.75 % in reform years but still higher than inflation average rate of 8% in the eighties. The petitioner also produced monetary policy statement for 2009-2010 issued by Dr.D.Subharao Governor of Reserve Bank of India. This print out is also taken from the website of Reserve Bank of India. The inflation rate mentioned in the statement is 9.8% in September 2008, 8% in March 2009, 11.7% in September 2009, So the average of 8% inflation rate mentioned in the Article of Dr.Y.V. Reddy is the average which can be take into the consideration by the court.

69. Relying on section 57 of the Indian Evidence Act also the matters of public history, literature, science and art, the court may resort to the appropriate books or documents of reference. So the court can take in to account the inflation rate in India is on an average 8% basing upon the financial record of Reserve Bank of India in view of section 35 and 57 of Indian Evidence Act.

70. The learned counsel appearing for respondent in RCP 25/2005 submitted a detailed argument note in which nothing is stated about the relevancy of the document produced by the petitioner regarding the rate of inflation in India. But it is mentioned in the argument note that reduction in purchasing power of money affects the tenant also. The question is not whether purchasing power of tenant is also affected but the question is whether actually due to inflation the purchasing power of the people is affected so as to have upward revision while fixing the fair rent of the room.

71. In view of Section 35 and 57 of the Evidence Act the court can consider those documents when those matters are relevant to the issue before the court. The Reserve Bank of India is an Apex body which monitor the inflationary pressure in India and publish periodic report under the authority of the Government of India. When the documents of Reserve Bank of India regarding inflation rate is produced before the court. This court can not say that this documents has to be rejected because it was not marked in evidence. When the court is to depend upon such social aspects like inflation and reduction in purchasing power of money certainly the relevant materials provided by the statutory authorities like Reserve Bank of India can be of great assistance to the court in arriving at a conclusion. Certainly a Rent Control Court dealing with a petition under section 5 is not expected to insist that the landlord has to adduce evidence by examining Expert in the field of Economics to prove that there is inflation. The nature of jurisdiction conferred upon the Rent Control Court also do not contemplate such an enquiry.

72. It is also relevant in this context to note the evidence of some of the respondent who entered the witness box. The respondent in RCP 22/2005, 23/2005 and 25/2005 entered the witness box to depose their case. Though the other respondents also contended that the present rent is fair and no inflation of fair rent by upward revision required except challenging the testimony of PW1, the other respondent have chosen not to enter witness box to speak about their case. The respondents who have entered in the witness box admit that there is inflation and the rise in the price of all commodities, RWI is the respondent in RCP 21/2005 and he pleaded ignorance regarding these aspects during evidence. Specific question was to him whether the inflation rate in India was 8 to 11% from 1992 to 2010 and he

deposed that he do not know. When further question was put to him whether the living cost and the value of the property is increased at least by 25 times from 1992 and 2010. He deposed that he do not know. RW2 is the respondent in RCP 23/2005 and he admits that from 1987 to 2010 regarding the cost of living and in the price of property there is increase of 50 times. Again RW3 who is the respondent in RCP 25/2005 deposes that from 1980 to 2010 the living cost as well as the price of the property increased 20 times and not 50 times as suggested by the counsel for the petitioner, The other respondent had not entered the box to deny any of the aspects regarding inflation or the consequent reduction in purchasing power of money. The rate of inflation as published by the Reserve Bank of India can certainly be accepted and corroborated by the evidence of RW2 and 3. Increase in the price of various commodities and the consequent increase in the living cost can be felt by the common man and therefore the evidence of RW2 that there is 50 times increase in the cost of living and price of the property and the evidence of RW3 that there is 20 times increase can not be brushed aside. Though they are not aware of the technical aspects like inflation and reduction in purchasing power of money they can speak about the increase in the cost of living and the increase in the value of property which can be in every day life. That may be the reason, other respondent chosen not to enter the witness box at all.

73. Section 5 contemplate that both the landlord as well as tenant can approach the Rent Control Court for fixation of fair rent. The parameters are laid down by the Hon'ble High Court for fixing the fair rent. When an application is filed before the court by the landlord stating that the present rent is very meagre and fair rent has to be fixed there can not be a unilateral burden upon the landlord to prove all the aspects but the purpose and the duty is to bring out the relevant aspect before the court coming under these guidelines. If the landlord shows that there is inflation and consequent reduction in the purchasing power of money and tenant contend that there are no inflationary pressure and it is not felt by the tenant, he can prove those aspects before the court. I am of the view that the court can take in to account of the fact that there is inflation in India at least at the rate of 8% per annum and secondly there is a variation in the purchasing power of money and the cost of living increased manifoldly from

1980 to 2010.

74. The guidelines also provides that the nature of demand for accommodation availability of the building in the locality also has to be considered. According to PW1 the petition schedule building is situated in the heart of the town and availability of accommodation in the locality is very scarce. The respondents in all the RCP contend that several buildings has come out in the locality and many of the rooms are remaining vacant. The respondent contended that just behind the petition schedule building a huge complex was constructed by fourth petitioner and due to non availability of tenants he was constrained to sell the building. PW1 had not deposed that the building constructed by the 4th petitioner was sold due to non availability of the tenants. What is deposed by him is that the 4th petitioner had constructed a building with so many rooms near the petition schedule building and after completion of the work of the building, they had sold it to third party. If those rooms are available in the locality it is for the respondents to prove the same by adducing documentary evidence. The burden is on the respondents to prove that there was no demand for accommodation in the locality in which the petition schedule building is situated. Again mention may be made in this respect regarding the evidence of the respondent who had chosen to enter the witness box. According to RW3, he has not at all enquired whether any rooms are available in the locality like the room occupied by him. It was suggested in cross examination that there was no other accommodation available in the locality and his answer was that he has not enquired at all. According to RW1 the respondent in RCP 21/05, there is no other shop rooms available in the locality to shift his business. He further deposed that in the new shopping complex coming in the locality, huge security deposit and rent are demanded by the landlord. Again RW2 depose that he has not enquired whether any rooms similar to the room occupied by him are available from Central Bazaar to old Bus Stand Payyannur. Subsequently, he deposed that there are rooms available in the locality from Central Bazaar to Bus stand in the main road. He further deposed that rooms are seen closed but he cannot say whether they are vacant and available for rent. Thus, the respondent examined before the court never enquired about availability of accommodation in the locality and one of the respondent admit in evidence that similar accommodation is not

available. Other respondent except contending in the counter that several shop rooms are available in the locality had not Supported that pleading with evidence, Since the prayer in the petition is only for fixation of fair rent the tenant can certainly make a contention that other rooms are available and if the petition is for eviction certainly they would have contended that no other rooms are available.

75. One of the curious aspects though not directly connected with the availability of rooms but shows that there is great demand for accommodation has come out from the mouth of RW2 during cross examination. A question was put to RW2 “whether he is ready to vacate, if ₹.10,00,00/- (ten lakhs) is paid to him as consideration of handing over possession and he answered that he was not ready. The further question was whether he is ready to vacate if ₹25,00,000/- (twenty five lakhs) is paid and then he depose that he can not say at present. That attitude of the tenant will certainly shows that there is great demand for rooms in the locality and that is why he is not ready to vacate even if an amount of ₹.10,00,000/- is paid to him. The evidence has to be read in the context of the evidence of RW2 that the only income he is earning from the petition schedule building is ₹.2,500/- per month. Certainly a person who is earning only ₹.2,500 will sell his business, if ten lakhs rupees is received especially when he is doing a small business and several other rooms are available in the locality. Thus the tenants who mounted a witness box either deposed that no rooms are available or that they had not made any enquiries. The evidence of one of the respondent that he is not ready to vacate even if ₹.10,00,000 is paid and the evidence of another tenant that in the other building huge security deposit and rent is demanded certainly strengthen the case of petitioner that demand for accommodation is high in the locality and there is no merit in the contention of tenants that several rooms are remaining vacant in the locality. So I find that the demand for accommodation is also very high in the locality.

76. The next guidelines provides regarding the cost of construction of the building and capital value of the premises including the value of land under actual enjoyment of tenant including appertunent land type of construction, locational importance, advantage of amenities such as access to place of importance like educational institution and hospital. According to the petitioner the entire building is

situated in the heart of the town near to the Payyannur Bus Stand. Regarding the importance of the locality the court has the report of the commissioner together with the plan marked as Ext.C1 to C1 (b). The commissioner under taken the job of visiting entire locality and drawn two plan, one showing the situation of each of the rooms in the building and another showing all the institution and establishment in and around the petition schedule building. Certainly the commissioner had under taken cumbersome task and the index in the plan itself is 52 in number and the entire Payyannur town and the surrounding areas are found in the Ext. C1 (b) plan submitted by the Commissioner, Admittedly the petition schedule building is facing the: Payyannur main road known as Payyannur- Railway Station road. Bus Stand is situated near the petition schedule building which is now referred as the old Bus Stand in evidence of respondents and referred to as Bus Stand in the report of the Commissioner. According to the Commission report, this Bus Stand is just 109 metre away from the petition schedule building. The respondent contended that the importance of this Bus Stand is diminished considerably since new Bus Stand has come out which is shown as index No.4 in the plan which is about 743.5 metre away from the petition schedule building. According to PWI there is no new Bus Stand but only Bus Bay. The Commissioner mentioned it as a temporary Bus Stand and PWI gave evidence that only long route buses are coming in the temporary Bus Bay and all other buses still comes to the Bus Stand near the petition schedule building. There is no evidence before the court and the Commissioner also not reported that the entire activities of bus stand is shifted to new Bus Stand. In fact commissioner referred to it as temporary bus stand and no contra evidence is adduced by the respondents to show that this bus stand is now the main bus stand and the bus stand near the petition schedule building is abandoned.

77. Likewise on the opposite side of the petition schedule building at about 54 metres away Gandhi Park is situated, the bus stand is about 109 metres away, St.Mary's School is 310.5 metre away and GVHSS Payyannur is about 233 metres away from a petition schedule building. The Payyannur Co-operative Hospital is about 266 metres away from the building and there is another hospital namely B K M Hospital which is about 410 metres away from the petition schedule building. Athulya

college is about 213.5 metre and Bharathiya Vidya Bhavan about 270 metre 42 away. There are also banks near petition schedule building, the Indian Oversease Bank is about 434 away, Vijaya bank is about 115 metre, Federal bank is 135 metre away from petition schedule building. There are also other complex near the petition schedule building as revealed from the report of the Commissioner. Regarding this report of the Commissioner, except the respondent in RCP 25/05 others have not filed any serious objection to the report or the distance noted in Ext.C1 plan. The respondent examined before the court as RW1 to 3 deposed that they had no objection to the various institutions as well as the distances noted by the Advocate Commissioner as reported in Ext.C1. So the evidence available before the court make it clear that the petition schedule building occupied by different tenants are situated facing the Payyannur Railway Station, Main Road very near to the present Bus Stand and there are several Educational institutions, Hospitals etc. Giving commercial importance to the building.

78. The respondent in all the RCPs contend that the importance of locality is diminished and as a result actually their business has come down. When the petitioner proved that the building is situated in the heart of town and there is commercial importance to the building and the respondent contend that in fact the commercial importance of the building is reduced and their business has come down, this can be a factor which is within the special knowledge of the respondent. They can very well produce documents regarding their business in the past as well as in the present to show that the volume of business has come down and not increased as contended by the landlord. But none of the respondents choose to produce the document showing the nature and volume of the business done by them to show that what was actual business in the past and what is the reduction in the business at present. Even the two respondents entered in the witness box had not produced any document to show that the importance locality diminished and consequentially the business has come down as contended by them. Only the respondent in RCP 25/2010 produced some document showing a volume of the business in the past and that documents also shows reasonable increase per year and not decrease as contended.

79. The respondents contended that there is no parking allowed in front of the building and it is one way traffic. One way traffic can not be permanent as per the

legal provisions. Considering the convenience of traffic from time to time the authority can notify a particular route as one way. There is no evidence before the court to show that when the main road in front of the petition schedule building was notified as one way traffic and whether it is permanent or temporary nature. The mere fact that parking is not allowed on the public road can not be considered to be a factor which affect all the business done in the petition schedule building. It depends upon the nature of business done and one can not generally Say that in the absence of parking facilities, the business is affected especially in the absence of any evidence before the court to show that there was reduction in the volume of business done by the tenant over the years. So the mere admission by PW1 that parking is not allowed in the public road in front of the petition schedule building will not be a factor showing that the importance of the building is reduced.

80. As far as cost of construction of the building there is no evidence and it is admitted fact that it is an old building. But when we come to the capital value of the premises we have some evidence in the form of a transfer deed effected by some of the sharers in favour of 7th respondent during pendency of this proceedings. In the year 2009 some of the sharers transferred their 2/18 share in favour of 7th respondent for an amount of ₹.4,80,000/- . If that capital value is taken in to the account the total value of the premises come to ₹43,20,000/-. At the same time the rent paid by all the tenants is taken in to account, it is less than ₹.8,500/-. So the capital value and the rent derived by the landlord shows the Inadequacy of the rent. As stated earlier the construction of building and letting out to the tenant is a business of the landlord as held by the Hon'ble High Court. The purpose of every business is to have some profit to make out lively hood. No one can deny the fact that a landlord who owns a building with capital value of nearly ₹.43,00,000/- should be satisfied by a rent of less than ₹.8,500/- from the entire building. So the mere look at the capital value and the present rent collected by the landlord from all the tenants will show the huge disparity between the two and the necessity of fixation of fair rent by an increase in the rent.

81. The next guidelines provided by the Hon'ble High Court is to be taken in to account is the prevailing rent in the locality for the same and similar accommodation. The landlord has produced two documents marked as Ext.A3 and A4 to show the

prevailing rent in the locality. The one document is in respect of Catholic Syrian Bank building situated above 800 metres from Payyannur town. Another document Ext.A4 is with reference to the rent paid by Syndicate Bank Payyannur which is about 40 metres away from the Main Road. According to the landlord the rent per square feet for the ground floor paid by Catholic Syrian Bank is Rs.37/- and for the first floor Rs.10/- is proved from Ext.A3. The rent per square feet of Syndicate Bank building is Rs.19/-. These two building occupied by the bank is situated away from the petition schedule building and there is no convenience like the petition schedule building. One of the bank is situated in a pocket road still they are paying Rs.37/- per square feet as rent. The other bank is 40 metres away from the Main Road still paying Rs.19 sq. ft. as rent.

82. The two documents marked as Ext.A3 and A4 are the information collected by the petitioner from the bank under the provisions of Right to Information Act. Except mentioning the square feet area and the rent there is nothing in Ext.A3 and A4 to show what are the amenities provided by the landlord in respect of those building. There is no satisfactory evidence before the court to show what are the amenities provided by the landlord to the banks for fixing the rent. So the rent of those building can not be adopted in the case of petition schedule building. PW1 also during cross examination admits that he can not say on what basis the banks had fixed the rent . He also deposed that there is some facility for parking in front of the bank mentioned in Ext.A3 and A4 during cross examination. The counsel for the respondent in RCP 30/2005 cross examined PW1 with reference to the amenities available in the building of the bank. It was specifically put to PW1 that water facility, toilet, Air condition, Granite flooring, Lunch Room and Architecture room are taken in to account while fixing the rent of the building occupied by banks. PW1 do not deny those aspects but only says that he do not know whether those aspects are taken in to account and what are the basis on which the rent was fixed in respect of two banks as shown in Ext.A3 and A4.

83. As far as guidelines No.10 and 11 are concerned there is no evidence. The landlord has not produced document showing annual rental value of the building. There is no case that annual rental value is exceeding the present rent collected by the

landlord. There is also no evidence to show that there is revision or fresh imposition of Municipal Tax, Cess, Rate in respect of electricity or water consumption. Certainly there is increase in the charge of electricity but the same is discharged by the tenant and cannot be taken in to account. There is also no evidence to show that any repairs has been carried out by the petitioner to the building recently. The landlord himself had no case that he has made any repair recently spending huge amount. Therefore Guidelines No.10 and 11 can not be taken in to account for fixing fair rent of these buildings.

84. So appreciation of the entire evidence in the light of guidelines I find that the rent of the building which remained static for last several years need revision considering guidelines No.7 to 9 provided by Hon'ble High Court. The rent presently paid by the respondents are not at all fair and reasonable and fair rent has to be fixed by increasing the rent. So the point is found in favour of petitioner.

85. Point No.5:- In view of the finding on point No.1 to 4 the rent of each of the rooms in the building occupied by the tenants in RCP 21 to 23 and 25 to 30 are liable to be increased by fixing the fair rent. Now the question is what is reasonable fair rent entitled by the petitioner for each room in all the RCPs.

The guiding factors and the importance of the locality as well the inflationary aspects are already considered and decided by me. While discussing the rent of similar rooms in the locality I had also found that Ext.A3 and A4 can not be taken in to account as the amenities provided in the building covered by Ext. A3 and A4 being not proved and the same can not be adopted as such. The Hon'ble appellate authority remanded the matter for fresh disposal by a finding that the Ext.A3 and Ext.A4 are not reliable for fixing the fair rent. After the remand, both parties appeared before this court. But on the day posted for evidence, the respondents in all the RCPs were not ready to cross examine the petitioner who was examined as PW1. Hence, the respondents were set ex parte. The Petitioner present was examined as PW1, who had filed affidavit in lieu of chief examination and marked Exts.A33 to Ext.A39 (series) and Ext.C2 to Ext.C4 apart from the documents already marked. The affidavit along with documentary evidence marked as Ext.A33 to Ext.A39 and Ext.C2 to Ext.C4 proved the case of the

petitioner with respect to the reasonable fair rent to which they are entitled to as per the petition as these documents and the evidence of PW1 on the aspect was not challenged by the respondents. The further examination of PW1 and Ext.A33 to Ext.A39 and Ext.C2 to Ext.C4 proves the fact that the petitioner is entitled for the fair rent to be reasonable as prayed for in the absence of any contra evidence and also the further evidence adduced on this aspect remains unchallenged. Therefore I find in view of the above discussions that the petitioner is entitled for the reasonable fair rent as prayed for in respect of each petition schedule room as the reasonable rent entitled to by the petitioner is not challenged or disproved by any contra evidence.

86. **Point No. 6:-** In view of the finding on point No. 1 to 5 all the Petitions are allowed fixing the fair rent as shown below:-

The fair rent of petition schedule room in RCP 21/05 is fixed as ₹.6,000/-, The fair rent of petition schedule room in RCP 22/05 is fixed as ₹.6,000/- for the ground floor and ₹.8,000/- for the first floor. The fair rent of petition schedule room in RCP 23/05 is fixed as ₹.8,000/-, The fair rent of petition schedule room in RCP 25/05 is fixed as ₹.4,000/-, The fair rent of petition schedule room in RCP 26/05 is fixed as ₹.3,000/-, The fair rent of petition schedule room in RCP 27/05 is fixed as ₹.7,000/- , The fair rent of petition schedule room in RCP 28/05 is fixed as ₹ 6,000/-, The fair rent of petition schedule room in RCP 29/05 is fixed as ₹.8,000/- and the fair rent of petition schedule room in RCP 30/05 is fixed as ₹.2000 for the ground floor stair case room and ₹.5,000/- for the first floor room. All the tenants are directed to pay the fair rent fixed above with effect from the date of petition with cost of the petitioner.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court, this the 9th day of April, 2019).

RENT CONTROLLER/MUNSIFF

Petitioner's Witness:-

PW1 : Kattoor Aboobacker

Petitioner's Exhibits:-

A1. 25.09.2010 : Power of Attorney executed by Kattoor Khadeeja

A2.	09.8.2009	:	Registration copy of Jenm deed
A3	07.09.2009	:	Registration copy of Jenm deed
A4	01.09.2010	:	Details of rent issued by Catholic Syrian Bank, Payyannur branch to Kattoor Aboobacker
A5	08.09.2010	:	Letter by Syndicate bank (Public Information Officer) Regional Office, Kannur to Kattoor Aboobacker
A6	10.08.1992	:	Rent Kachit
A7	24.02.2005	:	Lawyer notice
A8	10.03.2005	:	Reply notice
A9	24.11.1978	:	Rent Kachit
A10	18.04.1981	:	Rent Kachit
A11	24.02.2005	:	Lawyer notice
A12	15.03.2005	:	Reply notice
A13	24.02.2005	:	Lawyer notice
A14	17.03.2005	:	Reply notice
A15	05.08.1981	:	Rent Kachit
A16	24.02.2005	:	Lawyer notice
A17	15.03.2005	:	Reply notice
A18	24.02.2005	:	Lawyer notice
A19	21.03.2005	:	Reply notice
A20	24.02.2005	:	Lawyer notice
A21	25.03.2005	:	Reply notice
A22	16.01.1996	:	Rent Kachit
A23	24.02.2005	:	Lawyer notice
A24	. .	:	Reply notice
A25	02.05.1981	:	Rent Kachit
A26	24.02.2005	:	Lawyer notice
A27	. .	:	Postal receipt
A28	. .	:	Postal acknowledgement
A29	22.04.1981	:	Rent Kachit
A30	07.09.1999	:	Rent Kachit
A31	24.02.2005	:	Lawyer notice
A32	14.03.2005	:	Reply notice
A33	07.10.2016	:	Certified copy of Common Judgement in RCAs of Rent Control Appellate Authority, Thalassery.

- A34 31.07.2016 : Certified copy of Judgement in RC.Rev.76 of 2017 of Hon'ble High Court of Kerala.
- A35 31.07.2013 : Certified copy of Common Judgement in RCP.35 to 39 of 2011 of Rent Control Court (Munsiff), Payyannur
- A36 14.11.2011 : Copy of Kerala Gazette
- A37 . . : Fair value of land issued by Dept. of Registration.
- A38 a) 26.09.2017 : Demand notice issued by Payyannur Municipality (Bldg.Id.30220010022271)
- A38 b) 26.09.2017 : Demand notice issued by Payyannur Municipality (Bldg.Id.30220010022364)
- A38 c) 26.09.2017 : Demand notice issued by Payyannur Municipality (Bldg.Id.30220010022251)
- A38 d) 26.09.2017 : Demand notice issued by Payyannur Municipality (Bldg.Id.30220010022374)
- A38 e) 26.09.2017 : Demand notice issued by Payyannur Municipality (Bldg.Id.30220010022266)
- A38 f) 26.09.2017 : Demand notice issued by Payyannur Municipality (Bldg.Id.30220010022246)
- A38 g) 26.09.2017 : Demand notice issued by Payyannur Municipality (Bldg.Id.30220010022362)
- A38 h) 26.09.2017 : Demand notice issued by Payyannur Municipality (Bldg.Id.30220010022358)
- A38 i) 26.09.2017 : Demand notice issued by Payyannur Municipality (Bldg.Id.30220010022259)
- A38 j) 26.09.2017 : Demand notice issued by Payyannur Municipality (Bldg.Id.30220010022254)
- A39 a) 31.10.2018 : Building tax receipt issued by Payyannur Municipality
- A39 b) 31.10.2018 : Building tax receipt issued by Payyannur Municipality
- A39 c) 31.10.2018 : Building tax receipt issued by Payyannur Municipality
- A39 d) 31.10.2018 : Building tax receipt issued by Payyannur Municipality
- A39 e) 31.10.2018 : Building tax receipt issued by Payyannur Municipality
- A39 f) 31.10.2018 : Building tax receipt issued by Payyannur Municipality
- A39 g) 31.10.2018 : Building tax receipt issued by Payyannur Municipality

Respondent's Witness & Exhibits :- :Nil

Court's Witness :- Nil

Court's Exhibits:-

- C1 . . : Commission report submitted by P.P.Krishnan, Advocate Commissioner.
- C1 a) . . : Commission Plan submitted by P.P.Krishnan, Advocate Commissioner.
- C1 b) . . : Commission Plan submitted by P.P.Krishnan, Advocate Commissioner.
- C2 23.06.2018 : Commission report submitted by K.Padmanabhan, Advocate Commissioner.
- C2 (a) 23.06.2018 : Commission plan submitted by K.Padmanabhan, Advocate Commissioner.
- C3 16.11.2018 : Commission report submitted by K.Padmanabhan, Advocate Commissioner.
- C3 (a) 16.11.2018 : Commission report submitted by K.Padmanabhan, Advocate Commissioner.
- C4 29.11.2018 : Addl. Commission report submitted by K.Padmanabhan, Advocate Commissioner.

Rent Controller (Munsiff).