

**IN THE COURT OF THE RENT CONTROL COURT (MUNSIFF),  
PAYYANNUR**

Present: Smt. Greeshma.A.S, Munsiff, Payyanur  
Tuesday, the 17<sup>th</sup> day of June 2025.  
(27<sup>th</sup> day of Jyaishta, 1947)

**RENT CONTROL PETITION No.28 of 2023**

K. Abdul Rahiman Haji, ]  
S/o. Ibrahim, aged 71 yers, Valluvakkatt, ]  
Thekke Trikaripur ] **Petitioner**  
]

**Vs.**

1. T.K. Gireeshan, S/o. Kunhambu, ]  
aged about 50 years, Payyanur amsom ]  
Theru desom. ] **Respondents**  
]

2. M.Sureshan, S/o. Balakrishnan Poduval, ]  
aged about 48 years, Near old Bus stand, ]  
Lottoary Stall, Payyanur amsom desom. ]  
]

Petition filed under Section 11(i),11(3), 11(4) (i) of Kerala Building  
(Lease and Rent Control) Act.

Court Fee paid ₹2/- only.

This petition is coming on this day for hearing before me in the presence  
of Sri. Mahesh V Ramakrishnan, Advocate for the Petitioner and of  
S/Sri.K.Vijayakumar, Anusha.K, Shyja.K.P and Athira.T.V, Advocates for the  
Respondents; Respondents reported no instruction and name called absent, set  
exparte and the Court passed the following:-

**ORDER**

This petition is filed under Section 11(i),11(3), 11(4)(i) of the Kerala Building (Lease and Rent Control) Act, 1965.

2. **The petition averments in brief are as follows:-** Petition schedule room originally belonged to the petitioner. The petition schedule room was let out to the respondent on 15.06.2010 for a monthly rent of ₹4,000/- for eleven months. It is stipulated in the kachit to pay the monthly rent from 15.07.2010 and to pay the rent in the 15<sup>th</sup> day of every succeeding months and obtain receipts. It is specifically stipulated in the kachit that there is no authority to transfer the room except by vacating it directly to the petitioner. The 1<sup>st</sup> respondent transfer the room to the 2<sup>nd</sup> respondent on additional rent without the knowledge or consent of the petitioner.

3. The petitioner's son Fairoos Abdul Rahiman is returned from gulf and remains unemployed. Fairoos Abdul Rahiman is not having any job. Fairoos Abdul Rahiman is intending to start some income generating business of Hotel and coolbar in the petition schedule room. As such he is in absolute need of the above said rooms for starting business. There are no other vacant rooms in petitioner's possession. As such the petitioner bonafide needs the building for starting business for the petitioner's son Fairoos Abdul Rahiman who is depending upon the petitioner.

4. On 27.06.2023 the petitioner caused to issue a lawyer notice to the respondent seeking surrender of vacant possession. But the respondent not vacated the petition schedule room. Hence, this RCP is filed.

5. Respondents entered appearance and filed counter when the case is posted for evidence respondents name called absent and set ex-parte.

6. Petitioner's son was present and he was examined as PW1. He filed

proof affidavit in lieu of the chief examination in tune with the petition averments. He has produced Ext.A1 to A8 were marked.

7. Petition stands proved by the affidavit filed by the petitioner and through Exts.A1 to A8. Ext.A1 is the rent agreement between the petitioner and the respondent, Ext.A2 is the lawyer notice, Ext.A3 and A4 are postal receipts, Ext.A5 and A6 are the acknowledgment card. Ext.A7 is the reply notice, Ext.A8 is the application given by the 2<sup>nd</sup> respondent to the petitioner. The oral evidence of PW1 and the documents produced by him remain unchallenged. As such, I find that the petitioner has established its case and is entitled to a decree as prayed for.

**In the result,** the petition is allowed with costs under Section 11(i),11(3) and 11(4)(i) of the Kerala Building (Lease and Rent Control) Act, 1965 as follows:-

1. Respondents are directed to surrender vacant possession of the petition schedule room within two months from the date of this order failing which the petitioner is at liberty to get the order executed through the process of the court.
2. The respondents are directed to pay the costs of the proceeding to the petitioner.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court, this the 17<sup>th</sup> day of June, 2025).

Sd/-  
RENT CONTROL COURT/MUNSIFF.

**Petitioners' Exhibits:-**

A1	15.06.2010	Rent Kachit.
A2	27.06.2023	Copy of Lawyer Notice.
A3	12.07.2023	Postal Receipt.
A4	12.07.2023	Postal Receipt.
A5	14.07.2023	Acknowledgement Card.
A6	15.07.2023	Acknowledgement Card.
A7	25.07.2023	Reply Notice.
A8	02.10.2023	Application.

**Petitioner's Witness:-**

PW1 : Fairroos Abdul Rahiman

**Respondents' Exhibits & Witness:- Nil**

Sd/-  
RENT CONTROL COURT/MUNSIFF.