

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

Present: Smt. Greeshma.A.S, Munsiff, Payyanur  
Friday, the 6<sup>th</sup> day of September 2024.  
(15<sup>th</sup> Bhadra, 1946)

**RENT CONTROL PETITION No. 29 of 2023**

K.Abdul Rahiman Haji, S/o. Ibrahim,	]	
aged 71 years, Valluvakkat, Thekke	]	
Trikaripur.	]	Petitioner

**Vs.**

1. T.K. Gireeshan, S/o. Kunhambu,	]	
aged about 50 years, Payyanur amsom,	]	
Theru desom.	]	
	]	
2. Thekkumkara Veetil T.Santhosh,	]	Respondents
aged about 45 years, Kankol amsom	]	
desom, residing at Kundayamkovval ,	]	
Malabar Hotel, Near K.K. Residency,	]	
Payyanur amsom desom.	]	

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 and Anusha..K, Advocates for the Respondents; respondents name called absent, set exparte and reported no instruction and the Court passed the following:-

## ORDER

**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 1<sup>st</sup> respondent on 04.10.2007 for a daily rent of ₹200/- for two months. 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 transferred the room to the 2<sup>nd</sup> respondent on additional rent without the knowledge or consent of the petitioner. Now the 2<sup>nd</sup> respondent conduct a hotel business in the petition schedule room namely Malabar hotel.

3. The petitioner's son Fairoos Abdul Rahiman is returned from gulf and remains unemployed. Petitioner's son is not having any job. Petitioner's son 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 bona fide 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 A7 were marked.

7. petition stands proved by the affidavit filed by the petitioner and through Exts.A1 to A7. 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. 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), 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 petitioners are 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 6<sup>th</sup> day of September, 2024).

**Petitioners' Exhibits:-**

- A1 04.10.2007 Rent Agreement.
- A2 27.06.2023 Lawyer Notice.
- A3 12.07.2023 Postal receipt.
- A4 12.07.2023 Postal receipt.
- A5 14.07.2023 Postal Acknowledgement Card.
- A6 17.07.2023 Postal Acknowledgement Card.
- A7 29.08.2023 Reply notice

**Petitioners' Witness:-**

PW1 : Fairoos Abdulrahman.K

**Respondent's Exhibits and witness: Nil**

Sd/-  
RENT CONTROL COURT(MUNSIFF).

