

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

Present: Smt. Greeshma.A.S, Munsiff, Payyanur  
Friday, the 13<sup>th</sup> day of March 2026.  
(22<sup>nd</sup> day of Phalguna, 1947)

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

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

Vs.

1. T.K.Gireesan, S/o.Kunhambu, aged about 50 ]	
years, Payyannur amsom, Theru desom. ]	Respondents
2. Thekkumkara Veettil T.Santhosh, ]	
aged about 45 years, Residing at ]	
Kundayamkovval, Kankol amsom, desom, ]	
Malabar Hotel, Near K.K.residency, ]	
Payyannur amsom, desom. ]	

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

This petition is coming on this day for hearing before me in the presence of Sri.Mahesh V Ramakrishnan, Advocate for the Petitioner; of S/Sri.K.Vijayakumar, Adhish P., Shyja K.P and Anusha.K, Advocates for the respondents; respondents name called absent and set ex-parte 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 04.10.2007 for a daily rent of ₹120/- for two

months. It is stipulated in the kachit to pay the monthly rent on the 1<sup>st</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. Accordingly, the described petition schedule room is presently in the possession of the respondent No.2, and he is conducting hotel business under the name Malabar Hotel.

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 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 cards. Ext.A7 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), 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 13<sup>th</sup> day of March, 2026).

Sd/-  
RENT CONTROL COURT (MUNSIFF).

Petitioner's Exhibits:

- |    |            |                            |
|----|------------|----------------------------|
| A1 | 04.10.2007 | Rent Agreement             |
| A2 | 27.06.2023 | Copy of lawyer notice      |
| A3 | 12.07.2023 | Postal receipt             |
| A4 | 12.07.2023 | Postal receipt             |
| A5 | 14.07.2023 | Postal Acknowledgment Card |
| A6 | .....      | Postal Acknowledgment Card |

A7 29.08.2023 Application

Petitioner's Witness:

PW1 : Fairoos Abdul Rahman.K

Sd/-  
RENT CONTROL COURT(MUNSIFF).