

**IN THE COURT OF THE RENT CONTROLLER (MUNSIFF) OF
KUTHUPARAMBA**

Present:- Smt. Athira Nair., Munsiff.

Tuesday, the 5th day of November, 2024/ 14th Karthika, 1946.

RENT CONTROL PETITION No.23 OF 2023.

Rajeev Nanu Nair, S/o. Late. Nanu Nair, aged 56 years, Residing at "Sidhi", Chiplon, Ratnagiri, Maharashtra.	]]]	Petitioner.
Vs.		
R. Prasad, Father's name not known, aged 43, Residing at Radha Nivas, P.O. Mambaram, Via. Pinarayi, Thalassery. 670 741.	]]]	Respondent.

This petition coming on 30th day of October, 2024 for hearing before me in the presence of Sri. V.M. Sharesh Kumar, Advocate for the Petitioner; of Sri. V.K. Prabhakaran, Advocate for the respondent; and respondent being called absent and set exparte ; and having stood over for consideration till this day; the court passed the following:-

ORDER

This is a petition filed under section 11(3) of the Kerala Buildings (Lease and Rent Control), Act 1965.

2. Petitioner's case: - Petition schedule property belongs to the petitioner who is the absolute owner of the property. The petition schedule room was leased out to the respondent by the father of the petitioner for a monthly rent of Rs.200/- (Two Hundred only). Thereafter the rent was periodically enhanced and the present prevailing rent is Rs.1,000/- (Rupees One Thousand only). The respondent has sublet the building to a third party. Respondent is not

doing any business therein. Now the petitioner's wife is intending to start a ladies tailoring unit in the property. Petitioner's wife is depending on the petitioner. Hence this petition.

3. Respondent appeared and filed counter denying the entire petition claim. Thereafter when the matter was listed for trial, the respondent counsel submitted that the respondent met with an accident and needs 21 days time for recovery. Hence the matter was adjourned from 07.10.2024 to 26.10.2024. When the matter was called on 26.10.2024 the counsel sought further time for cross-examination of the petitioner. The same was denied by this court as no sufficient documents was produced for granting further time. When the matter was called thereafter, the respondent counsel remained absent. The counsel for the petitioner submitted that he refused to receive the copy of the chief affidavit. Hence the petitioner's evidence was recorded as PW1 and Ext.A1 was marked. Thereafter the matter was posted for respondent evidence. On that day respondent remained absent, hence declared *exparte*.

4. According to the petitioner his wife is in bonafide need of the petition schedule room for starting a ladies tailoring business. To prove the same the petitioner mounted the witness box and deposed his case. There is no contra evidence to disprove the evidence of petitioner. In view of the unchallenged affidavit and evidence before this court, this court is of the view that the petitioner is entitled an order as prayed for.

In the result,

1. The respondent is directed to put the petitioner in vacant possession of the petition schedule room within one month

from the date of this order under section 11(3) of the Kerala Building Lease and Rent Control Act.

2. Petitioner is entitled to get his costs of litigation from the respondent.

(Dictated to the Confidential Assistant, transcribed by him, corrected and pronounced by me in open court this the 5th day of November 2024).

Sd/-
RENT CONTROLLER (MUNSIFF).

APPENDIX:-

Petitioner's Witnesses:-

PW1 : Rajeev Nanu Nair.

Petitioner's Exhibits:-

A1.	29-08-2016	Certified copy of Document No. 2051/2016 of SRO. Anjarakandy.
-----	------------	---

Respondent's Witnesses:- Nil.

Respondent's Exhibits:- Nil.

Court Exhibits:- Nil.

Sd/-
RENT CONTROLLER (MUNSIFF).

//True Copy//

kps.

RENT CONTROLLER (MUNSIFF).

Fair/Copy of Order in
RCP No.23/2023.

Dated: **05-11-2024.**