

ORDER

Petition filed under sections 11(2), (b) and 11(V) (ii) of the Kerala Building (Lease and Rent Control) Act 1965 (herein after referred as 'the Act').

2. Petition averments in brief are as follows:- Petition schedule building originally belonged to late Satheesh Pai, the husband of the 1st petitioner and father of 2nd and 3rd petitioners. The property got vested to the petitioners and the mother of Satheesh Pai namely Lakshmi Devi she released her undivided right to the petitioners. The petition schedule building was let out to the respondent and to evidence the instrument a Rent Agreement on 01-01-2019 was executed for a monthly rent of Rs. 5,500/-. The rent was periodically revised by petitioner and fixed as Rs. 9,500/- and the rent up to and inclusive of December 2015 was received by petitioner and receipts were issued. Thereafter the period from 2016 January to June 2018 a sum of Rs. 2,55,000/- is in arrears.

3. The respondent sub leased the building fixing Rs. 650/- per day as rent. The petitioner has got information for the same and he sent a lawyer notice dated 01-01-2018. At the time of issuing notice the building was not in use and was under lock. Now for the past more than 8 months the building is under lock. The development

of the town, demand for building in Kuthuparamba town, the building is capable of fetching not less than 24,000/- as monthly rent. Hence this petition.

4. Though summons was on respondent served through his sister, respondent remained absent, his name called and he was set exparte.

5. Petitioner filed affidavit in lieu of examination in chief and examined as PW1 and Exts A1 to A6 marked. Advocate Commissioner was examined as CW1 and Ext. C1 marked. No contra evidence tendered. Hence affidavit is accepted. Affidavit along with the documents proved the case of the petitioner.

6. Heard.

In the result, petition is allowed with costs under sections 11(2), 11(4)(ii) of the Act as follows:-

1. The respondent is directed to handover the vacant possession of the petition schedule building under section 11(2)(b) and 11(4)(V) of the Act within one month from this date, failing which the petitioner is at liberty to get the order executed through the process of the Court.
2. The order passed under section 11(2)(b) is subject to section 11(2)(c) of the Act.

3. Petitioner is entitled to get costs of the proceedings.

(Dictated to the Confidential Assistant, transcribed and typed by him, corrected and pronounced by me in open court, this the 12th day of April 2019).

RENT CONTROLLER/MUNSIFF

Petitioner's Exhibits:-

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|-----|------------|---|
| A1. | 01.01.2018 | Copy of lawyer notice issued by Adv. K.V.Pavithran to respondent. |
| A2. | 01.01.2018 | Postal receipt. |
| A3. | 16.05.2017 | Unclaimed cover with acknowledgement card |
| A4. | 16.05.2017 | Postal receipt. |
| A5. | 16.05.2017 | Copy of lawyer notice issued by Adv. K.V.Pavithran to respondent. |
| A6. | 09.01.2009 | Rent kachit executed in between petitioners and respondent. |

Respondent's Exhibits:-Nil

Petitioner's Witness:-

PW1:- Vipin Vasudev .S.Pai.

Respondent's Witness:-None

Court's Exhibits:-

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| C1. | 31.01.2019 | Report submitted by Adv. C.C. Sunil Kumar, Commissioner in the above matter. |
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Court's Witness:-

CW1:- Adv. C.C. Sunil Kumar.

cb/-

RENT CONTROL COURT/MUNSIFF.

Fair / Copy of Order in
RCP 51/2018 Dt.12.04.2019.