

IN THE RENT CONTROL COURT OF PONNANI
Present:- Smt. Ramya.C.R, LL.M Munsiff- Magistrate, Ponnani.

Tuesday, the 10th day of April, 2018
the 20th day of Chaithra, 1940

RENT CONTROL PETITION No. 1/2018.

Between

Abdulla, 61 years,
 S/o. Abdurahiman, Azhakathuvalappil House,
 Kalachal, P.O. Alancode, Alancode amsom : Petitioner
 Ponnani Taluk.

And

1. India Info Line finance Ltd., 1st Floor,
 Sana Towers, Jose Junction, MG Road,
 Ernakulam.
2. Area Operating Officer, Sreekala Unnikrishnan, : Respondents
 India Info Line finance Ltd., 1st Floor,
 Sana Towers, Jose Junction, MG Road,
 Ernakulam.

This petition coming on this day for final hearing before me in the presence of Sri.N.A. Joseph, Advocate for the petitioner, respondents called absent set exparte and this court passed the following:-

ORDER

This is a petition filed u/S.11(2) (b) and section 11 (iv) (v) of the Kerala Buildings (Lease and Rent Control) Act 1965 (herein after KBLRC Act).

2. Case of the petitioner is as follows: Petitioner is the absolute owner of the property in which the petition schedule building situates. 1st respondent is a limited company and 2nd respondent is the Operating Officer of the 1st respondent company at Edappal branch. 2nd respondent had entered into a rent agreement with the petitioner for and on behalf of the 1st respondent company on 01-07-2014 and the monthly rent was fixed as Rs.14,000/-. It was also undertook by the

respondents that they will enhanced the rent 7% per year and if the possession of the petition schedule building is not required one month prior notice will be given to the petitioner.

3. On 13-04-2017 the petitioner had received a notice from the 2nd respondent intimating that vacant possession will be handed over within one month. Later on enquiry the premises were found locked. A registered lawyer notice was sent on 21-07-2017 demanding vacant possession. 2nd respondent had received the notice. But so far arrears of rent was neither paid nor vacant possession handed over hence this petition.

4. Respondents were served with notices. They were called absent and set exparte. Petitioner filed proof affidavit Ext. A1 to A3, C1 and C2 were marked.

5. Ext.A1 is the intimation given from the representative of the 1st respondent company informing that premises will be vacated by the second week of May 2017. Ext.A2 is registered lawyer notice dated 21.07.2017 demanding arrears of rent for 3 months as well as vacant possession on the ground of cessation of occupation. The date of the rent control petition is on 03.01.2018. In Ext.C1 and C2 the commissioner had identified the petition schedule building. The same is seen locked. He had also noticed heaps of settled dust near the premises. The shutter is seen closed and locked. The premises are also covered with cob webs. Hence the case of the petitioner stands proved by affidavit and documents.

In the result the petition is allowed as follows:

1. The respondents are hereby directed to hand over vacant possession of the petition schedule building u/S. 11 (2)(b) of the KBLRC Act within one month from the date of this order. It is hereby make clear that if the respondents pay arrears of rent stipulated in Ext. A1 notice within the said period this order stands automatically vacated.
2. The respondents are hereby directed to hand over vacant possession u/S. 11 (iv)(v) of the KBLRC Act.
3. The petitioner also entitled for costs of the petition.

(Dictated to the Confidential Asst, transcribed by her, corrected by me and pronounced in open court this the 10th day of April, 2018),

Rent Controller/Munsiff-Magistrate.

Appendix:

Petitioner's Exhibits:

A1 : 13.04.2017 Notice

A2 : 21.07.2017 Lawyer Notice.

A3 : Acknowledgement card.

Court Exhibits:

C1: 06.02.2018 Commission Report submitted by Arunkumar.S., Adv. Commissioner.

C2: 06.02.2018 Commission Report submitted by Arunkumar.S., Adv. Commissioner.

Rent Controller/Munsiff-Magistrate.