

IN THE RENT CONTROL COURT, CHERTHALA

Present: Sri.Rovin Rodrigues, Principal Munsiff.

Wednesday, the 19th day of November, 2025/ 28th Karthikam, 1947

IA 3/2025 in R.C.P. No. 11/2025

(Filed on 14.08.2025)

Petitioner:-

T.U.Thambi, aged 72, S/o. Ulahannan, Thekkum
Mattathil House, Chullickal P.O., Thoppumpadi,
Kochi, Ernakulam.

By Adv.Ambily P Madhavan.

Respondent:-

Rejani Rajeev Menon, aged 45, W/o.Rajeev Menon,
Chilanka house, S.L.Puram P.O., Marrarikulam North
Village, Alappuzha.

By Adv, Joji K.Antony.

This Rent control petition having been finally heard on 19.11.2025 and the Court on the same day passed the following:

ORDER

This petition is filed by the petitioner/landlord under Section 23(1)(j) of the Kerala Building (Lease and Rent Control) Act seeking to amend the rent control petition.

2. The brief facts of the petition are: -The Rent Control Petition has been filed seeking eviction of the respondent from the scheduled buildings on the grounds of arrears of rent and bona fide need. However, certain inadvertent mistakes crept into the petition at the time of its preparation and typesetting. The petition mistakenly showed the arrears of rent as ₹5,86,000/- until March 2025, instead of the correct amount of ₹8,42,700/- excluding late fees until 15-

09-2024. Further, Building No. MNGP 12/242 D was omitted from the Schedule of Property, though it ought to have been included as Item No. II. These mistakes and omissions were not intentional. If the request to amend the petition by correcting the arrears of rent for the appropriate period and including the building with a complete description in the Schedule of Property is denied, the petitioner will suffer irreparable legal injury and loss. Hence the petition.

3. The respondent/tenant filed an objection with the following contentions: The petition is neither legally nor factually sustainable. There are no arrears of rent in respect of the scheduled building rooms. The petitioner has sought to amend the arrears of rent from ₹5,86,000/- to ₹8,42,700/- and to include a new scheduled property in the petition, though the rent amount and the building were already referred to in the original petition. Such amendment changes the very nature of the petition. Moreover, the petitioner was aware of these facts at the time of filing, and the amendment has been brought only to mislead the Court and to protract the proceedings. No reason for the amendment, no explanation of due diligence, and no supporting documents for such a huge enhancement of rent arrears have been produced before the Court. This attempt to amend is nothing but an effort to cure defects in the petition and to create a new cause of action, which is legally impermissible. The petitioner was already aware of the schedule property at the time of filing, and the amendment sought now alters the very character of the petition. Therefore, the petition may be dismissed with costs.

4. Heard. Perused the records.

5. Section 23(1)(j) of the Act intends to allow amendments to enable a proper and complete adjudication of the case. The mistakes in the petition relate to the correction of the rent arrears and the addition of building details, which is the subject matter of the tenancy. The nature of the original claim remains the same, and the proposed amendment does not introduce any new or inconsistent ground for eviction. Considering the facts and circumstances, I believe that the amendment sought is necessary for proper adjudication of the case. The respondent/tenant can file a counter disputing the amended pleadings. She will also get an opportunity to cross-examine the petitioner/landlord. Hence, no prejudice will be caused to the respondent/tenant.

As a result, the petition is allowed. The petitioner is permitted to amend the Rent Control Petition by correcting the arrears of rent and by including Building No. MNGP 12/242 D in the Schedule of Property as Item No. II. There shall be no order as to costs.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in the open Court on this the 19th day of November, 2025)

Sd/-

Rovin Rodrigues
Principal Munsiff

Appendix:- Nil

Sd/-

Principal Munsiff.

//True Copy//

Principal Munsiff

*Fair Copy of Order in
IA 3/2025 in RCP. 11/2025
Dated: 19.11.2025.*