

IN THE COURT OF THE MUNSIFF & RENT CONTROLLER, KOCHI
Present :-

Smt. Simi P Siju, Additional Munsiff & Rent Controller

Friday the 7th day of November, 2025/ 16th Karthika, 1947

I.A. No. 18/2025 in RCP No. 6/2022

Petitioner/Respondent:-

Shihab T A, aged 48 years, S/o.Abdul Khadar, Theyyath House,
Malippuram PO, Elamkunnapuzha, Kochi-682511

By Advs. Tresa Rani George, Adam Ambrose & Raviji

Respondents/Petitioners:-

- 1 Joy Figarado, aged 72 years, S/o.Dominic, Pathissery House,
Malippuram PO, Elamkunnapuzha, Kochi-682511
- 2 Romy Figarado, W/o.Joy Figarado, Pathissery House, Malippuram PO,
Elamkunnapuzha, Kochi-682511

By Adv. Santhosh Peter Mamalayil & P N Anoop

This petition come up for hearing on 03.11.2025 and the court on
07.11.2025 passed the following:-

ORDER

The petition is for amending the objection filed by the
respondent in RCP.6/2022.

2. **Petitioner's contentions to summarize, is as follows:-** The

petitioner is the respondent in the above RCP. The above RCP is filed u/s 11(3) of the Kerala Building (Lease and Rent Control) Act for an order of eviction. The petitioner filed an objection to the rent control petition. This IA is filed for amendment of the objection statement filed against the rent control petition account of some omissions and errors that occurred while drafting the objection. Hence the petition may be allowed otherwise the petitioner will be put to irreparable injury and hardships.

3. The respondents/petitioners filed counter stating that the petition is not maintainable either in law or on facts. The present case was instituted in the year 2022, and since then, there have been multiple hearings and adjournments. When the matter was last taken before this court on 20.09.2025, this court listed the case on 07.10.2025. Subsequently on 04.10.2025 the counsel for the respondent filed an IA seeking to remove the matter from the list, citing medical emergencies. The request was granted and the matter was re scheduled and re-listed to 01.11.2025. The petitioner/respondent has had ample opportunity to correct or amend any objections that may have been necessary prior to the filing of the present IA. However, despite sufficient time, no such amendments were made at the relevant time. The respondent's conduct,

in this regard, clearly indicates a deliberate attempt to protract the proceedings unnecessarily. It is noteworthy that with only three days remaining for the matter to be heard on 01.11.2025, the respondent has filed yet another IA, purportedly seeking to amend their earlier objections. This last minute filing is not only an abuse of the process of law but is also designed solely to delay the proceedings and waste the precious time of this court. This is not the first instance of such conduct by the respondent. On earlier occasions, several applications filed by the respondent were dismissed by this court upon realizing that the respondent was misusing the process of law solely to delay the adjudication of the main matter. The present IA is yet another attempt of a similar nature filed merely to secure adjournments, waste the valuable time of this court and cause intentional hardship to the petitioner. The repeated filing of such frivolous and vexatious applications clearly demonstrates the respondent's lack of bona fides and their intention to abuse the judicial process. They are senior citizens, with no other source of income, and require the property in question for their bona fide needs. The ongoing delay in the adjudication of this matter is causing immense hardship to the petitioner, who is seeking an early and fair resolution. If

the present application is allowed, it will cause grave hardship and irreparable injury to the petitioner in every possible manner. The petitioner being an aged individual, is already physically and mentally exhausted from being subjected to an unnecessarily prolonged adjudication. Allowing the present application will only result in further delay and wastage of valuable judicial time, as it will entail steps such as incorporating the proposed amendments, re filing the amended objections, and relisting the matter, thereby rendering the entire process never ending. Hence the petition may be dismissed.

4. **The following point arise for consideration:-**

- (i) Whether the petition is allowable?
- (ii) Relief and Cost ?

5. Heard both sides.

6. **Point No.(i) and (ii):-** The specific case of the petitioner is that certain omissions and errors occurred while drafting the original objection statement, and that such mistakes came to notice only at a later stage. The proposed amendment is stated to be necessary for proper adjudication of the issues in dispute. It is contended that the amendment is bona fide and that if the same is not allowed, the petitioner will be put to irreparable injury and

hardship. But at the same time, the respondent contended that the I.A. is not maintainable either in law or on facts. The rent control petition was instituted in 2022, and the respondent has already had sufficient opportunities to file and correct objections. It is contended that the present I.A. has been filed a few days before the case was listed for trial only with an intention to delay the proceedings and to abuse the process of law. This court considered the rival submissions made by the parties. It is not in dispute that the rent control petition was filed in 2022 and that the respondent has already filed an objection statement. The present application for amendment has been filed only a few days before the case was posted for final hearing on 01.11.2025. The reason stated in the petition for seeking amendment is that some omissions and drafting errors occurred earlier. However, no specific details of the nature of omission or the proposed amendment have been clearly disclosed in the petition. On perusal of records, it can be seen that the respondent had ample opportunity over the past years to make any correction or amendment in the objection statement but did not avail of such opportunity. The timing of the present application, coupled with the history of repeated interlocutory applications, lends weight to the contention of the petitioners that the present move is to protract the

proceedings. While the court recognizes that procedural laws should ordinarily permit amendments in the interest of justice, such relief cannot be granted where the bona fides of the applicant are doubtful and where the amendment would result in undue delay and prejudice to the opposite party, particularly in rent control matters which are intended to be disposed of expeditiously. In such circumstances this court is of the view that no sufficient reason for allowing the amendment is sought. In such circumstances, this Court is of the view that no sufficient reason has been made out for allowing the amendment as sought. Accordingly point No. (i) and (ii) are found against petitioner.

In the result, the petition is dismissed without costs.

(Dictated to Confidential Assistant, transcribed by her, corrected and pronounced by me in the open court on this the 7th day of November 2025)

Sd/-

Simi P Siju

Additional Munsiff/Rent Controller

APPENDIX : - Nil

Id/-

Additional Munsiff/Rent Controller

//True Copy//

Additional Munsiff/Rent Controller

ORDER

IA No. 18/2025

RCP. No. 6/2022

Dated : 07.11.2025