

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

Smt. Simi P Siju, Additional Munsiff & Rent Controller

Thursday the 1st day of January, 2026/ 11th Pausha, 1947

I.A. No. 21/2025 in RCP No. 6/2022 & I.A. No. 22/2025
in RCP No. 6/2022

I.A. No. 21/2025 in RCP No. 6/2022

Petitioners/Petitioners:-

- 1 Joy Figarado, aged 69 years, S/o.Dominic, Pathissery House, Elamkunnappuzha, Ernakulam District, Kochi-682511
- 2 Romy Figarado, W/o.Joy Figarado, aged 69 years, Pathissery House, Elamkunnappuzha, Ernakulam District, Kochi-682511

By Adv. Santhosh Peter Mamalayil & P N Anoop

Respondent/Respondent:-

Shihab, aged 44 years, S/o.Abdul Khadar, Theyyath, Malippuram, Kochi-682511, Elamkunnappuzha, Ernakulam District.

By Advs. Tresa Rani George, Adam Ambrose & Raviji

I.A. No. 22/2025 in RCP No. 6/2022

Petitioners/Petitioners:-

- 1 Joy Figarado, aged 69 years, S/o.Dominic, Pathissery House, Elamkunnappuzha, Ernakulam District, Kochi-682511

2 Romy Figarado, W/o.Joy Figarado, aged 69 years, Pathissery House, Elamkunnappuzha, Ernakulam District, Kochi-682511

By Adv. Santhosh Peter Mamalayil & P N Anoop

Respondent/Respondent:-

Shihab, aged 44 years, S/o.Abdul Khadar, Theyyath, Malippuram, Kochi-682511, Elamkunnappuzha, Ernakulam District.

By Advs. Tresa Rani George, Adam Ambrose & Raviji

These petitions come up for hearing on 20.12.2025 and the court on 01.01.2026 passed the following:-

COMMON ORDER

IA No.21/2025 is filed by the petitioner seeking permission to accept an additional list of witnesses. IA No.22/2025 is filed by the petitioner seeking issuance of summons to the witness mentioned in IA No.21/2025.

2. **Averments in the petitions in brief are as follows:-** The petitioner is the 1st petitioner in the above Rent Control Petition (R.C.P.), which is filed for eviction under Section 11(3) of the Kerala Building (Lease and Rent Control) Act, 1965. The respondent is in occupation of the petitioner's shop room situated at Elamkunnappuzha Grama Panchayat, earlier numbered as

XIII/550, on a monthly rent of Rs.2,464/-, and had agreed to vacate the premises on demand as per agreement dated 11.09.2020 for a period of 11 months. The shop room having an extent of 90 sq. feet is situated in Sy. No.443/6, Re-survey No.405/20 of Elamkunnapuzha Village and was obtained by the petitioner through Sale Deed No.58/2006 of SRO, Njarakkal. It is specifically pleaded in the R.C.P. that the scheduled building presently occupied by the respondent has no Panchayat building number and that the respondent has no valid licence to conduct trade therein. The Secretary of Elamkunnapuzha Grama Panchayat, by Letter No.B2/11214/2021 dated 04.12.2021, informed the petitioner that no building number has been assigned to the scheduled building, and by Letter No.B5/11169/2021 dated 06.01.2022, informed that no licence had been issued to the respondent for the year 2021–22 onwards.

3. The building bearing old No.XIII/550 is not included in the assessment register (buildings) of Elamkunnapuzha Grama Panchayat and no trade licence has been issued in respect of the shop room occupied by the respondent. Hence, the assessment register and licence details are essential documents for the just and fair adjudication of the R.C.P. The Secretary of the Grama Panchayat, being the custodian of these records, is therefore a

necessary witness. Accordingly, the petitioner filed IA No.21/2025 to accept the additional witness list and IA No.22/2025 to issue summons to the said witness.

4. The respondent filed objection contending that the petition is not maintainable either in law or on facts. The documents sought to be produced are irrelevant in deciding this case. After the examination of the 1st petitioner, the petitioner came up with a witness list which includes the names of the 2nd petitioner and the advocate commissioner. Thereafter on competition of the 2nd petitioner's examination, petitioner again came up with this IA. At this stage of the case it is highly belated and with ill motive of the petitioner to protract and drag this case with the ulterior intention of causing hardships to the respondent. There was no hindrance for the petitioner in incorporating it in the trial witness list filed by the petitioner. Also, there was no hindrance for the petitioner in producing these documents at an early stage of the case. The belated production of these documents is intended to avoid cross examination of petitioner's regarding several vital aspects. The respondent is a tenant under the 1st petitioner and has filed detailed objection to the main petition. Hence the petitions may be dismissed.

5. **The points arise for consideration:-**

- i. Whether the petitions can be allowed?
 - ii. Relief and cost
6. Heard both sides.

7. **Point No.1 and 2:-** The specific case of the petitioner is that the Rent Control Petition is filed under Section 11(3) of the Kerala Building (Lease and Rent Control) Act, 1965 and that the scheduled building presently occupied by the respondent has no Panchayath building number and no valid trade licence. It is further contended that the Secretary of Elamkunnappuzha Grama Panchayat has, by letters dated 04.12.2021 and 06.01.2022, informed the petitioner that no building number has been assigned and no licence has been issued to the respondent. According to the petitioner, the assessment register and licence details are relevant documents and the Secretary, being the custodian of such records, is a necessary witness for the just and fair decision of the case. On the other hand, the respondent contended that it is highly belated, that the documents sought to be produced are irrelevant for deciding the issues involved in the R.C.P., and that the application is filed with an ulterior motive to delay the proceedings and to avoid effective cross-examination of the petitioner's witnesses. It is also contended that there was no impediment for the petitioner in including the said witness in

the earlier witness list.

8. On a consideration of the rival contentions, this Court finds that the documents sought to be produced are public records maintained by the local authorities. The petitioner specifically raised a contention regarding the absence of Panchayath building number and trade licence for conducting the business to the respondent. To prove the same, the Petitioner is seeking to examine the Secretary of Elamkunnapuzha Panchayat. In such circumstances, this court does not find any justification to shut the doors against the Petitioner in leading the evidence. But at the same time, it is true that there happened to be some delay in filing the application as the same has to be filed before listing the case for trial. In that view of the matter, it is only just and proper to allow the applications by imposing a cost of Rs.1000/- to the respondent. The summoning of the witness is regulated and confined strictly to the limited purpose stated. Accordingly, point No.1 and 2 are found in favour of the petitioner.

In the result, IA No.21/2025 and IA No.22/2025 are allowed, subject to the following conditions:

- a) The Secretary, Elamkunnapuzha Grama Panchayat, shall be summoned only for the limited purpose of producing the assessment register (buildings) and other related records, if**

any, pertaining to the scheduled building.

b) No evidence beyond the said limited scope shall be permitted.

c) The respondent shall be given full opportunity to cross-examine the witness.

d) The petitioner shall pay costs of Rs.1,000/- to the respondent.

(Dictated to Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in the open court on this the 1st day of January 2026).

Sd/-

Simi P Siju

Additional Munsiff/Rent Controller

APPENDIX : - Nil

Id/-

Additional Munsiff/Rent Controller

//True Copy//

Additional Munsiff/Rent Controller

COMMON ORDER

IA No. 21/2025& 22/2025

RCP. No. 6/2022

Dated : 01.01.2026