

IN THE COURT OF THE RENT CONTROLLER, KOLLAM.**Present : Smt. Ragi.S., Principal Rent Controller.**On Friday, the 8th day of August, 2025/17th day of Sravana, 1947.**IA.No.7/2025 in RC(OP).No.10/2017**BetweenPetitioner/Counter Petitioner:-Raju @Raju Vaidyan, aged 53 years,
S/o Pushkaran, Uthradam, Keralapuram,
Elampalloor Village, Perumpuzha P.O,
Kollam.

By Adv. A.Aboobacker Kutty.

AndCounter Petitioner/
Original Petitioner -Binu John, aged 47 years,
S/o M.C. Yohannan, Vadakkethil
Johns Bhavan, Mukkoodu P.O,
Karippuram, Mulavana Village, Kollam.

By Adv.K.Y.Johnson.

This petition is filed by the petitioner/original respondent under Order 13 Rule 10 of the Code of Civil Procedure for seeking issuance of of letter of request to the Additional Munsiff Court, Kollam for production of the original license agreement dated 16-07-2015. This petition coming on for hearing before me on 05-08-2025 and the court on 08-08-2025 passed the following :-

ORDER

This IA has been filed by the petitioner/original respondent, seeking issuance of a letter of request to the Additional Munsiff Court, Kollam, for production of the original license agreement dated 16/07/2015. The said document was earlier produced by the original petitioner as document No. 1 in IA No. 4294/16 in OS No. 880/2016 before the Additional Munsiff Court, Kollam.

2. The respondent filed objection.

3. I have heard the learned counsel for the petitioner as well as the learned counsel for the respondent.

4. Now the only point that arises for consideration is:

1. Whether sufficient grounds exist for calling the original of the alleged agreement dated 16/07/2015 from the Additional Munsiff Court, Kollam, for the purpose of signing it for expert opinion at this stage?

5. The petitioner/original respondent submits that the counter petitioner/original petitioner instituted the present rent control petition seeking vacant possession of the petition schedule property, recovery of arrears of rent, and other consequential reliefs, relying upon a xerox copy of an agreement dated 16/07/2015, purportedly executed by the counter petitioner. The petitioner/original counter petitioner contends that he never executed such an agreement, and that the said document is forged. Prior to filing the present suit, the petitioner had already instituted OS No. 880/2016 before the Additional Munsiff Court, Kollam, seeking a permanent injunction against the original petitioner, in respect of the very same property. He had also filed IA No. 4294/2016 therein, seeking temporary injunction. In that proceeding, the original petitioner produced alleged original agreement dated 16/07/2015. The counter petitioner herein asserts that the document is forged, that the signature is not his, and therefore it is necessary to have the document examined by the Forensic Science Laboratory, Thiruvananthapuram. Hence, the present IA is filed seeking production of the said original agreement for expert examination.

6. The respondent/original petitioner opposed the application contending that it is filed only to delay the proceedings. It is pointed out that in OS No. 880/2016, the petitioner had already produced the original of the alleged license agreement dated 16/07/2015 as early as 31/10/2016, but no steps were taken for obtaining an expert report until 07/02/2025, thereby evidencing lack of bonafides. It is further submitted that the petitioner had earlier denied the existence of the landlord-tenant relationship, which finding was held against him, and an appeal preferred by him is still pending. It is also contended that the petitioner has a history of relying on forged agreements, and in fact crime No. 2676/16 had been registered culminating in CC No. 609/17, wherein the State Forensic Laboratory had already opined, on 06/05/2022, that the petitioner's signature in a similar agreement was forged. Hence, the present application is alleged to be a malafide attempt to delay the trial.

7. It is significant to note that the alleged agreement dated 16/07/2015 was already produced by the petitioner before the Additional Munsiff Court in OS No. 880/16 as early as 31/10/2016. However, the petitioner herein/original counter petitioner remained inactive and took no steps to obtain expert opinion until 20/01/2025, when the present application was filed. This inordinate and unexplained delay negates the principle of bonafides. There is no reason stated in the accompanying affidavit for the long delay to file such a petition. The case is of the year 2017 and is presently listed for trial. Only when the matter came up for evidence did the counter petitioner choose to file this application, thereby indicating that the

same was filed solely with the intention of delaying the trial. In addition, this court had earlier rejected the petitioner's denial of the landlord-tenant relationship, which order is still in force. Considering these circumstances, it is evident that the present application is wholly devoid of merit, is intended only to stall proceedings, and protract the trial of the case. From the foregoing discussion, it can be concluded that the application is not maintainable and has been filed with malafide intention to delay the trial. Hence it is liable to be dismissed.

In the result, IA stands dismissed. No order as to costs.

(Dictated to the Confdl. Assistant, transcribed and typed by her corrected and pronounced by me in the open court on this the 8th day of August, 2025.)

Sd/-
Ragi.S.,
Principal Rent Controller

Appendix:- Nil

Id/-
Principal Rent Controller

// True Copy//

Sd/-
Ragi.S.,
Principal Rent Controller

Typed by : Marybindu. C.
Compared by : Sandhya.S.