

IN THE COURT OF THE RENT CONTROLLER
 PRESENT :-Smt. Reshma R.S, Rent Controller
 Thursday the 22nd day of January 2026, 2nd day of Magha, 1947.
IA 01/2026 and IA 3/2025 in RC(OP) 2/2025

IA 01/2026 in RC(OP) 2/2025
Between

Petitioner : The Secretary, SC/ST Service Co-operative
Defendant Society, Chemmanthur, Punalur.
(By Adv. Kaippallil. G. Harikrishnan)
And
Respondent : Alice.C. Panicker, aged 65 years,
Plaintiff W/o Cheriyan Panicker, Aluvilayil Veedu,
 Anchal Village, Chemmanthur, Punalur Taluk.
(By Adv. Jayadeep.D and Suriya Prabha. N)

IA 03/2025 in RC(OP) 2/2025
Between

Petitioner : The Secretary, SC/ST Service Co-operative
Defendant Society, Chemmanthur, Punalur.
(By Adv. Kaippallil. G. Harikrishnan)
And
Respondent : Alice.C. Panicker, aged 65 years,
Plaintiff W/o Cheriyan Panicker, Aluvilayil Vedu,
 Anchal Village, Chemmanthoor, Punalur Taluk.
(By Adv. Jayadeep.D and Surya Prabha. N)

These petitions are coming on for hearing before me on
 22.01.2026 and on the same day court passed the following.

COMMON ORDER

IA No. 1/26 is an application filed under Rule 13(3) of the Kerala
 Buildings (Lease and Rent Control) Act, and IA No. 3/25 is an
 application filed under Order IX Rule 7 CPC.

2. **The application averments in brief, in IA No. 1/2026, are as follows:** The applicant is the first respondent. This petition is filed to evict the applicant from the petition schedule building. The government did not appoint the administrative convener; therefore, the applicant could not file an objection on time. Due to that non-appointment, there occurred a delay in handing over the necessary documents to the advocate concerned. The applicant has a strong case to defend, and objection was already filed. There are no willful latches on the part of the applicant. There was a 1-day delay in filing the application to set aside the ex-parte order. The respondent was laid up, and hence there occurred the delay. The delay may be condoned; otherwise, it would cause irreparable injury and hardships to the applicant. Hence, this application.

3. **The application averments in brief in IA No. 3/25 are as follows:** The applicant is the first respondent. The original petition is filed to evict the applicant from the petition schedule building. The government did not appoint the administrative convener; therefore, the applicant could not file an objection on time. Due to that non-appointment, there was a delay in handing over the necessary documents to the advocate. The applicant has a strong case to defend, and objection was already filed. There are no willful latches on the part of the applicant. The ex parte order against the applicant may be set

aside, and the applicant may be given an opportunity to contest the original petition. Hence, this application.

4. The respondent filed objection, contending the following:

This application is not maintainable either in law or in facts. The application to set aside the ex parte order is filed under Order IX Rule 7 of CPC. Such an application ought to have been filed within 15 days, as per Section 13(3) of the Rent Control Rules. As the application is filed under Order IX Rule 7 and the limitation period has expired, this application is not maintainable. The applicant society does not have a president or secretary, and hence, an administrative convener was not appointed by the government. There is no day-to-day transaction in that society. The present application is intended to cause hardships to the respondent. The rent arrears amounting to ₹ 29,63,633/- are due. The present applicant lacks locus standi to file this application. The present application is maintainable under the Kerala Buildings (Lease and Rent Control) Act. Sections 69 and 100 of the Co-operative Societies Act are not applicable. Hence, the present application is liable to be dismissed with costs.

5. Heard both sides.

6. The points that arise for consideration are as follows:

1) Whether the delay of 1 day can be condoned?

2) Whether the ex-parte order against the applicant can be set aside?

3) Reliefs and costs?

7. **Point Nos. 1 to 3:** The learned counsel for the applicant argued that the application is to be allowed in the interest of justice. According to the applicant, there occurred a delay of 1 day in filing the application to set aside the ex-parte order. According to the applicant, the delay occurred because the applicant was laid up and because the government delayed the appointment of an administrative convener. It was also contended that the applicant filed objection to the original petition and hence prayed to have an adjudication on the merits. Per contra, the learned counsel for the respondent vehemently objected to the application on the ground that the present application is filed to cause hardships to the respondent and to evade the payment of rent arrears due to the respondent. It was also contended that the application was not properly filed and, hence, prayed for its dismissal.

8. This original petition is filed by the petitioner against the respondents to evict the respondents from the petition schedule property. As the respondents did not file objection within the statutory period, the original petition was proceeded ex parte against the respondents 1 to 3. At that time, the 1st original respondent filed the present applications. The contention of the applicant is that a delay

occurred in appointing an administrative convener for the respondent society, and hence, they could not file objection on time. It was contended that there occurred a one-day delay in filing the objection, as the present applicant was laid up. Medical reason is put forth to explain the delay, even though no medical records were produced. The major objection raised by the original petitioner is that these applications are not properly filed under the relevant provisions, and hence, this application cannot be allowed. However, it is a settled point of law that misquoting a legal provision is not in itself a ground for dismissing the petition. The other matters put forth by the original petitioner are matters affecting the day-to-day affairs and functioning of the society, and which are not matters to be considered at this stage of proceedings. Now, the questions that arise for consideration are regarding the delay and setting aside the ex-parte order. The delay is of one day, and medical reason is put forth in the application. It can be considered as a sufficient cause.

9. The reason for the non-filing of objection within the stipulated time is the delay in appointing an administrative convenor. That fact is admitted by the original petitioner in her objection. But according to the original petitioner, the administrative convenor was not appointed, as there is no day-to-day functioning. Hence, it is more or less clear that the appointment of the administrative convenor was delayed and

hence, this court is of the view that the applicant succeeded in showing a sufficient cause to set aside the ex-parte order. Another thing to be noted is that the respondents already filed objection to the original petition and prayed for an opportunity to have an adjudication on merits. As the respondents already filed the objection, there could not be any delay in disposing of the matter. Considering all these things, this Court is of the view that these applications can be allowed.

In the result: These applications are allowed. The delay is condoned. The ex-parte order against the applicant is hereby set aside. There shall be no order as to costs.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 22nd day of January, 2026)

Sd/-
Rent Controller

Appendix: Nil

Id/-
Rent Controller

//True Copy//

Typed by : Praseena. M.L
Compared by :

RENT CONTROLLER