

**IN THE COURT OF THE RENT CONTROLLER (MUNSIFF) OF
KUTHUPARAMBA**

Present:- Smt. Athira Nair, Rent Controller (Munsiff)

Thursday, the 21st day of August, 2025/ 30th Sravana, 1947.

IA No.6/2025 in RCP No.51 OF 2018

Maroli Sadanandan, S/o. Anandan, Aged 53 Years, Eranchiyullathil House, P.O.Nirmalagiri, Pin 670701.]]]	Petitioner/ Respondent
Vs.			
1.	Malini.S.Pai, W/o. Satheesh Pai, Aged 62 Years, Malini (H), Paral, Kuthuparamba amsom, Naravoor Desom, PIN 670643 Now Residing at 904, 5 th A Main, Chowdeshwari Layout, Maratha Halli, Bangalore-560 037.]]]]]]]	Respondents/ Petitioners.
2.	Vipin Vasudev. S. Pai, S/o. Satheesh Pai(late), aged 42 Years, Malini House, Paral, Kuthuparamba Amsom, Naravoor Desom, P.O.Kuthuparamba, Thalassery Taluk, PIN - 670 643.]]]]]]]	
3.	Vineetha.S.Pai, D/o. Satheesh Pai(late), aged 37 Years, Malini House, Paral, Kuthuparamba Amsom, Naravoor Desom, P.O.Kuthuparamba,Thalassery Taluk, PIN - 670 643.]]]]]]]	

This petition coming on 18th day of August, 2025 for final hearing before me in the presence of Sri. A.K. Zirajudheen, Advocate for the Petitioner/ Respondent ; of S/Sri.K.VPavithran and A.PManoj Kumar, Advocates for the Respondents/ Petitioners and having stood over for consideration till this day; the court passed the following:-

ORDER

This is a petition filed under Order IX Rule 13 of CPC.

2. **Petitioner's case:-** This is a petition filed to set aside an exparte order passed against the petitioner. Accordingly, a

commissioner was appointed by the court for the inspection of the property. The commissioner inspected the property and filed a report. However, the petitioner failed to pay the batha. The court directed the petitioner to pay the batha to the commissioner. However, being a cardiac patient, the petitioner was unable to give proper instructions to the counsel regarding the remittance of the batha to the commissioner. Due to the non-payment of the commissioner's batha, the petitioner was declared ex parte. Hence, this petition is filed to set aside the ex parte order.

3. **Respondent's case:-** The respondent filed a counter. Accordingly, this petition is filed solely to delay the final decision of the rent control petition on its merits. Whenever the RCP is scheduled for evidence, the respondent in RCP has been avoiding the trial in one way or another. The respondent has succeeded in prolonging the case for a period of 7 years. Hence, the petitioner's request should be dismissed.

4. Heard both sides.

5. Points arise for consideration:

1. Whether the petition is allowable?

2. Reliefs and costs?

6. **Point Nos. 1 and 2:-** This is a petition filed to set aside an ex parte order against the petitioner. A commissioner was appointed in the RCP, but the respondent/petitioner failed to pay batha to the commissioner despite specific directions from the court. As a result, the respondent/petitioner was declared ex parte. According to the petitioner, he was a cardiac patient and unable to give proper

instructions to his counsel. There is no guilt or negligence on his part. Although it is claimed that he is a cardiac patient under treatment, no evidence was produced before this court to substantiate this. The matter was scheduled for enquiry three times, but the petitioner was absent each time and was not prepared to produce any evidence. It is also noteworthy that no documents were presented from the petitioner's side. Nevertheless, this Court believes that each matter should be considered on its merits. Therefore, this Court finds that allowing this petition on the condition of payment of a commission as batta of ₹4,000/- (Rupees Four Thousand only) and a cost of ₹2,000/- (Rupees Two Thousand only) to the respondent would serve the interests of justice.

In the result, Petition is allowed on the following:

1. Petition stands allowed subject to payments of Commission Batha Rs.4,000/- (Rupees Four Thousand only) to the commissioner and a costs of Rs.2,000/- (Rupees Two Thousand only) to the respondent on or before 25/09/2025.

(Dictated to Adalat-AI, arranged in proper form by Confidential Assistant, corrected and pronounced by me in open court on the 21st day of August 2025).

Sd/-
RENT CONTROLLER (MUNSIFF).

APPENDIX:- Nil.

Sd/-
RENT CONTROLLER (MUNSIFF).

Fair/Copy of Order in
IA. 6/2025 in
RCP No.51/2018.
Dated : **21-08-2025.**