

**IN THE COURT OF THE PRL. RENT CONTROL
APPELLATE AUTHORITY, KOTTAYAM.**

Present: Sri. Manoj M., Principal Rent Control Appellate
Authority

Wednesday, the 23rd day of July, 2025
1st day of Sravana, 1947

I.A. No. 1/2024 in RCA. No. 13/2024

Petitioners :-

1. Jose Mathew, aged 55 years,
S/o. Dr. K.J. Mathew, residing at
Kudakasseril House, Muttambalam P.O.,
Muttambalam Village, Kottayam- 686004.
2. Dr. K.J.Mathew ,aged 88 years,
S/o.Late K Joseph, Kudakasseril House,
Muttambalam P.O., Muttambalam Village,
Kottayam- 686004.

By Adv. K Karjet & Adv. Arathy K

Counter Petitioners:-

1. M.S.Karunakaran, Aged about 70 years,
Manjammathil House, Thirunakkara P.O.,
Kottayam-686001.
2. Aleykutty Joseph aged 87 years,
W/o. Late T.J.Jospeh, Kudakasserril House,
Kanjikuzhy, Muttambalam P.O.,
Kottayam- 686004.
3. Merliz Stanley, aged 62 years,
W/o. Stanley Scariah, Karikkattuparambil,
A-8, Golden Enclave, Muttambalam P.O.,
Kanjikuzhy, Kottayam- 686004.
4. Rani Xavier,aged 59 years,
W/o. Jacob Xavier, Kayyalackakom, Pala.

5. Jancy Jose, aged 56 years,
W/o. K.C.Jose, Kanichayi House, Vynthala,
Annammanada, Trichur- 680741.
6. Jose Joseph, aged 64 years,
S/o. Late T.J.Joseph, Kudakasserril,
Kanjikuzhy,Muttambalam P.O.,
Kottayam- 686 004.
7. Kuruvilla Joseph, aged 60 years,
S/o. Late T.J.Joseph, Kudakasserril,
Kanjikuzhy,Muttambalam P.O.,
Kottayam- 686 004.
8. John Joseph, aged 58 years,
S/o. Late T.J.Joseph, Kudakasserril,
Kollad P.O., Kottayam- 686 009.
9. Mathew Joseph, aged 57 years,
S/o.Late T.J.Joseph, Kudakasserril,
Kanjikuzhy,Muttambalam P.O.,
Kottayam- 686 004.

R1 by Adv. Ajeesh P Nair
R2 to R7 Adv.P.A.Rabeez, Adv. Anakha Santhosh,
Adv. Reni Baby, Adv. Rizwan T Nazer,
Adv. Adithya Benzer & Adv. Teresa Sony Thoppil
R8 & R9 – No vakalath

This Petition having been coming up for final hearing on 17.07.2025 and the Court on 23.07.2025 passed the following:-

ORDER

This is an application filed by the petitioners/appellants under Sec.5 of the Limitation Act to condone the delay of 6 days in filing the appeal against the common order dated

06.02.2024 in R.C.P No.35/2016 and other connected cases, on the files of the Principal Rent Controller, Kottayam.

2. According to the learned counsel for the petitioners/appellants, the certified copy of the order was inadvertently misplaced in another case file and could be traced and recovered only on 07.08.2024. Consequently, a delay of six days occurred in filing the appeal. The delay was not caused due to any willful laches or negligence on their part. Hence, the delay may be condoned.

3. Though the respondents were duly served, respondent Nos.1 to 7 entered appearance through counsel, but did not file any objection.

4. Heard the learned counsel for the petitioners and perused the records.

5. The only point which arises for consideration is;

Whether there is sufficient ground to condone the delay of six days in filing the appeal?

6. **The Point** :- In this case, the petitioners submit that

the certified copy of the order was inadvertently misplaced in the file of another case and by the time it was traced out, a delay of six days had occurred.

7. It needs to be noticed that the right of the petitioners to agitate the matter on merits need not be denied on narrow technicalities. The term sufficient cause in Sec.5 of the Limitation Act envisages that a liberal approach is to be taken to subserve the ends of justice. In this case, the delay is only six days. The reason for the delay pleaded by the petitioners appears to be bonafide. In the said circumstances, the cause projected by the petitioners is sufficient. Therefore, I am of the view that this delay condonation petition can be allowed, subject to the petitioners paying a cost of Rs.500/- to the District Legal Services Authority, Kottayam within ten days and filing receipt/memo of the DLSA, Kottayam. Point found in favour of the petitioners.

8. In the result, the petition stands allowed and the delay of six days in filing the appeal stands condoned, subject to the following conditions :-

1. The petitioners shall pay cost of Rs.500/- (Rupees Five Hundred only) to the District Legal Services Authority, Kottayam on or before 31.07.2025 and produce the receipt memo of the DLSA, Kottayam before the court.
2. If the cost as directed above is not paid within the stipulated time, the application will stand dismissed.

Dictated to the Confdl. Asst., transcribed and typed by her, corrected by me and pronounced in open Court, on this the 23rd day of July, 2025.

Sd/-
Manoj M.
Rent Control Appellate Authority

APPENDIX : NIL

Id/-
Rent Control Appellate Authority

// True Copy //

Copied by :
Compared by :
Manoj M.
Rent Control Appellate Authority

**Copy of ORDER in
I.A. No.1/2024
in R.C.A No.13/2024
Dated : 23.07.2025**