

IN THE COURT OF THE RENT CONTROL, TIRUR
Present: Sri. SANU.C., PRESIDING OFFICER (MUNSIFF)
Tuesday, the 25th day of February, 2025
the 6th day of Phalguna, 1946

INTERLOCUTORY APPLICATION No.4 OF 2024 IN
RENT CONTROL PETITION No.4 OF 2024

Between:

Najeeb,
S/o.Madhuramangalath Avarankutty Haji,
S E Home Staned, Alinchuvadu.

} Petitioner
Respondent

And:

Nalakath Muhammed Rasheed,
S/o.Saidalavi, Mangalam amsom desom.

} Respondent
Petitioner

This petition having been finally heard on 14-02-2025 before me in the presence of Sri. C.Nandakumar, Advocate for the petitioner and of Sri. Vipin. K, Advocate for the respondent and the court on 25-02-2025 passed the following:

ORDER

This is an application filed for receive the counter statement by condoning delay.

2. **Petition averments in brief are as follows:-** Petitioner is the respondent in the above RCP. The case was posted to 25.09.2024 for filing of counter statement. It is contended that the petitioner was not able to appear in the court on that day and instruct the lawyer to prepare a counter statement, due to severe fever and headache. There was no willful laches on his part. The counter statement is produced along with the petition. There are serious contentions to be raised in the petition. Hence, the above petition.

3. Respondent opposed the application and filed counter stating that there is no bonafides in the petition. Respondent contended that on 02.04.2024 the

petitioner/respondent has appeared before the Court through counsel and has been granted several times to file the counter and the petitioner was made exparte after not file the counter on 21.08.2024. Respondent further contended that there is no substance in the petition. Hence, the petition is liable to be dismissed.

4. Heard. Perused the records and affidavit.

5. The point that arise for determination, is as follows:-

Whether the petitioner is entitled to get relief, as prayed for?

6. The petitioner contended that he was not able to appear in the court on that day and instruct the lawyer to prepare a counter statement, due to severe fever and headache. It was neither intentional nor deliberate and there was no willful laches on his part. It can be seen that the petitioner has also filed counter on the same day of filing this petition. Hence explanation given by the petitioner is proper and satisfied thereby. So I am inclined to allow the application on terms.

In the result,

The petition is allowed.

(Dictated to the Confidential Assistant, transcribed by her, corrected by me and pronounced in open court, this the 25th day of February, 2025).

PRESIDING OFFICER (MUNSIFF),
RENT CONTROL COURT, TIRUR.

Typed by :Krishnakumari V
Compared by: 1) 2)

Fair Order IA 4/2024 in RCP 4/2024
Dated. 25-02-2025.
