IN THE RENT CONTROL COURT OF PONNANI
Present:- Smt. Sowmya T.M., Presiding Officer (Munsiff- Magistrate), Ponnani

Tuesday, the 28th day of October, 2025
the 6th day of Karthika, 1947

INTERLOCUTORY APPLICATION No.4/2025
RENT CONTROL PETITION No. 24/2024

Between:-

Suresh, 50 years, S/o.Pallathoor Padmanabhan, Marancheri amsom, desom, P.O.Kanheeramukku, Ponnani Taluk, Pin-679 584 : Petitioner/ respondent

And:-

Mechinath Valappil Moidu Haji's children

1 Sainudheen, 49 years, Represented by Power of Attorney Holder Sheheer, S/o.Mechinath Valappil Moidu Haji

2 Salih, 45 years, Represented by Power of Attorney Holder Sheheer, S/o.Mechinath Valappil Moidu Haji

3 Shahir, 43 years, Othalur amsom, Chiyanoor desom, P.O.Kokkoor. Pin 679 591

4 Abdul Jishar, 37 years, Pallikkara amsom, desom, P.O.Nannamukku, Ponnani Taluk 679 574. Represented by Power of Attorney Holder Shaheer, S/o.Mechinath Valappil Moidu Haji

5 Shebeer, 34 years, Pallikkara amsom, desom, P.O.Nannamukku, Ponnani Taluk 679 574. Represented by Power of Attorney Holder Shaheer, S/o.Mechinath Valappil Moidu Haji

: Respondents/ Petitioners

Sd/-
Presiding Officer,
Rent Control Court

This petition coming on this day for final hearing before me in the presence of Sri.E.C.Suresh, Sri.Jison.P.Jose and Sri.Jayakrishnan.M, Advocates for the Petitioner/ Respondent Sri.P.Praveen, Sri.Shanavas.P and Sri.K.V.Sujeer, Advocates for the Respondents/Petitioenrs and this court passed the following:-

O R D E R

This petition has been filed by the respondent in the Rent Control Proceedings under Order XVI, Rule 6 and Section 151 of the Code of Civil Procedure, seeking a direction to the petitioners in the proceedings to produce documents related to the building's safety and maintenance.

2. The averments in the petition, in brief, are as follows: The petitioner contends that the petition schedule building, which is allegedly over 45 years old, suffers from a lack of maintenance and safety facilities. The petitioner asserts that the respondents claimed the building possesses fire safety protection and a valid license in their pleadings. Therefore, the petitioner requests that the respondentss be directed to produce the relevant certificate or license from the Fire and Safety Department.

Sd/-
Presiding Officer,
Rent Control Court

3 The respondents opposed the application, arguing that the petitioner's intention is to cause unnecessary hardship. They contended that while the Advocate Commissioner may have reported the building's compliance generally, no specific license regarding fire safety protection has been issued by the authorities, and therefore, the document cannot be produced.

4. Point for Determination

1. Is the petitioner entitled to an order directing the respondents to produce the Fire and Safety Protection Certificate or file an affidavit regarding its non-existence?

5. The Court has heard the counsel for both sides and considered the submissions.

6. The point: The rent Control petition involves the determination of fair rent or eviction, making the physical condition and statutory compliance of the building a highly relevant factor. The petitioner asserts that the building

Sd/-
Presiding Officer,
Rent Control Court

lacks safety facilities, while the respondentss have allegedly claimed that the building has fire safety protection.

7. The respondents' defence that a license cannot be produced because one has not been issued by the authorities effectively acknowledges that the document sought is either non-existent or not formally available. However, since the respondents may have relied on the building's *structural capability* or general features as a defense against the lack of maintenance, the precise status of official certification must be brought on record.

8. To ensure full disclosure and a fair adjudication of the building's condition, especially its safety features, which directly impacts the fixation of fair rent, the Court must intervene. Requiring the respondents to provide a clear statement regarding the status of the license is necessary to test the veracity of their own contentions and the findings in the commission report, if any, regarding building safety. Therefore, a direction must be issued to the respondents to clarify the licensing status, thereby avoiding any future

Sd/-
Presiding Officer,
Rent Control Court

ambiguity regarding the availability of public records. This point is answered accordingly.

In the result, the petition is allowed.

1. The respondents are hereby directed to produce before this Court the current Fire and Safety Protection Certificate or License issued by the competent authority in respect of the petition schedule building, or an Affidavit clearly stating that no such certificate or license has been issued by the competent authority or that the property does not require such certification under the prevailing rules.

2. The respondents shall comply with this direction within two weeks from the date of this Order.

3. No order as to costs in this application.

(Dictated to the Confl. Assist, transcribed by her, corrected by me and Pronounced in Open Court this the 28th day of October, 2025).

Sd/-
Presiding Officer,
Rent Control Court

<u>Appendix</u>: Nil

Sd/-

Sd/-
Presiding Officer,
Rent Control Court

Presiding Officer,
Rent Control Court

//True copy//

Presiding Officer,
Rent Control Court

Sd/-
Presiding Officer,
Rent Control Court