

IN THE RENT CONTROL COURT OF PONNANI

Present:- Smt. Sowmya T.M., Presiding Officer (Munsiff- Magistrate), Ponnani.

Tuesday, the 12th day of August, 2025
the 21st day of Sravana, 1947

INTERLOCUTORY APPLICATION No.2/2025
IN RENT CONTROL PETITION No. 31/2024

Between:-

Attayil Devadasan, 60 years, S/o.Kumaran,
Ponnani nagaram amsom, Pallapram desom, Petitioner
Ponnani taluk

And:-

Badarakkanakathu Mujeeb Rahman, 33
years, S/o.Modeen, Punnathiruthi amsom, : Respondent
Thrikkavu desom, Ponnani Taluk

This petition is coming on this day for hearing before me in the presence of Sri.M.Sureshkumar Advocate for the Petitioner and Sri.R,K.Showketh Babu Advocate for the Respondent and this Court passed the following:-

ORDER

The petitioner has filed this petition in the rent control proceedings under Section 12 of the Kerala Buildings (Lease and Rent Control) Act, 1965. The petitioner seeks a direction for the respondent to deposit rent arrears during the pendency of the main Rent Control Petition.

Sd/-
**Presiding Officer,
Rent Control Court**

2. The petition averments, in brief, are as follows: The main petition was filed under Section 11(2)(b) of the Act for arrears of rent. The petitioner claims the respondent is liable to pay rent at ₹706 per day from February 1, 2024. According to the petitioner, the total arrears due are ₹2,19,912. Hence, the respondent may be directed to pay the amount.

3. In the counter statement, the respondent admitted to being a tenant and to owing rent, but disputed the rate. The respondent contends that the agreed rate of rent is ₹588 per day and that he had paid rent up to May 5, 2024. The respondent further avers that he was forced to pay municipal tax amounting to ₹20,500 and that this amount should be deducted from any rent arrears.

4. Section 12 of the Kerala Buildings (Lease and Rent Control) Act imposes a mandatory obligation on a tenant to deposit the arrears of rent admitted to be due, as well as to continue depositing the rent as it becomes due during the pendency of the proceedings.

5. In this case, the respondent has unequivocally admitted the tenancy and that rent has not been paid since May 15, 2024, at an admitted rate of ₹588 per day.

Sd/-
**Presiding Officer,
Rent Control Court**

6. The respondent's claim regarding the payment of municipal tax is a matter of defence that can only be adjudicated during the final hearing of the main RCP. This claim does not absolve the respondent from the statutory duty to deposit the admitted rent arrears as required by Section 12.

7. Based on the respondent's own admission, the arrears of rent from May 15, 2024, to May 15, 2025 (the date the petition was filed) is for a period of one year, or 365 days. Therefore, the admitted rent arrears to be deposited are 365 days x ₹588 = ₹2,14,620.

8. Failure to comply with the mandatory provisions of Section 12 would result in the respondent's defence being struck off, and the court would be constrained to pass an order as if the respondent had not appeared. Therefore, the petition is to be allowed.

9. In light of the above findings, this petition is allowed, and the respondent is hereby directed as follows:

Sd/-
**Presiding Officer,
Rent Control Court**

1. The respondent shall deposit the admitted rent arrears of ₹2,14,620 (Rupees two lakh fourteen thousand six hundred and twenty only) within 30 days from the date of this order.
2. The respondent shall continue to deposit the monthly rent at the admitted rate of ₹588 per day on a monthly basis until the final disposal of the Rent Control Petition.

(Dictated to the Confl. Assist, transcribed by her, corrected by me and pronounced in Open Court this the 12th day of August, 2025).

Sd/-
**Presiding Officer,
Rent Control Court**

Appendix: Nil

Sd/-
**Presiding Officer,
Rent Control Court**

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**Presiding Officer,
Rent Control Court**

Sd/-
**Presiding Officer,
Rent Control Court**

Typed by: 1.Premalatha
Compared by: . Joshi.T.S

Sd/-
**Presiding Officer,
Rent Control Court**