

**IN THE COURT OF RENT CONTROL APPELLATE AUTHORITY,
IRINJALAKUDA**

Present:- Sri.Vinod Kumar N., Rent Control Appellate Authority
Tuesday, 17th March, 2026/ 26th Phalguna, 1947

I.A.1/2026 in RCA. No.68/2023

Petitioner/ Cross objection Appellant:-

Sebastian, aged 72 years,
S/o. Tharakanparambil Antony, Avittathur Desom,
Kaduppassery Village, Mukundapuram Taluk.

By Advs. Rajesh Thampan & Visvajith Thampan

Respondent:-

Gopinathan, aged 60 years, S/o. Parekkattil Paran,
Porathissery Desom, Porathissery Village,
Mukundapuram Taluk.

By Advs. M.Iben Mathen & Manoj Iben

This petition come up before me for hearing on this day the court passed the following :-

ORDER

This petition is filed under section 5 of the Limitation Act to condone the delay of 906 days in filing the cross objection.

2. According to the petitioner, he is the respondent/tenant in RCP 22/2019 on the file of the Rent Control Court, Irinjalakuda. The Rent Control Petition was dismissed on 26/07/2023. Against the order, the respondent herein/landlord has filed an appeal as RCA 68/2023. The petitioner herein is the respondent in the appeal. Now, the petitioner herein came to understand that finding of the trial court regarding the bonafide need is in favour of the respondent herein/landlord. The earlier counsel appeared for the petitioner herein/tenant did not inform this fact. Since the said counsel could not appear before the court due to his ill health, the petitioner herein entrusted the matter to the present counsel and then only he came to understand that issue regarding the bonafide need is answered in favour of the respondent herein/landlord and now

only he got advice that a cross objection has to be filed to challenge the finding found in favour of the respondent herein/landlord. Due to the above reasons, a delay of 906 days was caused in filing the cross objection. There is no willful default on his part. Hence, it is necessary to condone the delay of 906 days in filing the cross objection.

3. The respondent herein/landlord filed counter statement. According to respondent herein/landlord, no sufficient reason is stated in the petition to condone the delay and the petition is filed to harass the respondent herein. Hence, the petition is liable to be dismissed.

4. Heard both sides.

5. Admittedly, the Rent Control Petition No.22/2019 filed by the respondent herein/landlord under section 11(3) and 11(4)(ii) of the Kerala Building (Lease and Rent Control) Act, 1965 was dismissed on 26/07/2023 and an appeal was preferred by the respondent herein/landlord challenging the order of the Rent Control Court, as RCA 68/2023. The impugned order would show that the Rent Control Court raised six points for consideration and the first point for consideration was whether the need put forward by the respondent therein/landlord is bonafide and the Rent Control Court found that the proposed need of the respondent herein/landlord is bonafide. But, while answering the other points, the Rent Control Court found that the petitioner herein/tenant has established the existence of vacant rooms in the possession of the respondent herein/landlord and that petitioner herein/tenant is depending on the income deriving from the business conducting in the petition schedule room and hence the respondent herein/landlord is not entitled to get the vacant possession of the petition schedule room.

6. According to the petitioner herein/tenant the earlier counsel did not inform him that the trial court found that the proposed need of the respondent/landlord is bonafide. Only when he entrusted the matter to the present counsel, he came to understand that issue regarding the bonafide need is answered in favour of the respondent herein/landlord and now he got advice that to challenge the finding found

in favour of the respondent/landlord, a cross objection has to be filed. In this regard, it is pertinent to note that RCA 68/2023 was admitted on 10/10/2023 and the petitioner herein/tenant who is the respondent in the said appeal entered appearance on 20/11/2023 and filed vakkalath. According to the petitioner herein/tenant, the delay in filing the cross objection was caused, since the earlier counsel did not give him the advice to file cross objection. The records would show that the earlier counsel relinquished the vakkalath and fresh vakkalath was filed on 07/02/2026. But the petition to condone delay in filing the cross objection was filed only on 20/02/2026.

7. It is true that the courts should not be pedantic in their approach while condoning the delay, and explanation of each day's delay should not be taken literally, but the fact remains that there must be a reasonable explanation for the delay. The words "sufficient cause" envisaged under section 5 of the Limitation Act require liberal construction, but in the guise of liberal construction, delay cannot be condoned for mere asking when no cause much less sufficient cause is forthcoming. It is the settled principle of law that the law of limitation is based on public policy and cannot be given complete go - bye in a case wherein there is total callousness on the part of a litigant to plead its cause. Condonation of delay cannot be taken for granted.

8. It is settled position of law that a party is found to be negligent, or for want of bonafide on his part in the facts and circumstances of the case, or found to have not acted diligently or remained inactive, there cannot be a justified ground to condone the delay. Adopting a liberal approach in condoning the delay is one of the guiding principles of law, such liberal approach cannot be equated with the licence to approach the court disregarding the time limit fixed by the relevant statute. Further it is the settled position of law that the finding can be challenged in the appeal by the respondent without even filing a Memorandum of Cross-Objection.

9. Considering the entire facts, I am of the view that the delay has not been properly explained to the satisfaction of the court and no sufficient reasons are assigned for the delay in filing the cross objection. The petitioner has not given any sufficient explanation much less a reasonable or satisfactory explanation for condonation of delay in the petition. Hence, the petition is liable to be dismissed.

In the result, the petition to condone the delay is dismissed.

(Dictated to the Confidential Asst., transcribed by her corrected by me and pronounced in open court, this the 17th day of March, 2026).

Sd/-
Vinod Kumar N
Rent Control Appellate Authority
Irinjalakuda

Appendix – Nil

Id/-
Vinod Kumar N
Rent Control Appellate Authority
Irinjalakuda
By order

/True copy /

Sheristadar

Copied by: Baby C F
Compared by: Jismy K J