

IN THE RENT CONTROL COURT OF CHAVAKKAD
PRESENT:- Dr. Aswathy Asok., Rent Control Court (Munsiff)
Wednesday, the 5th day of November, 2025/14th Karthikam, 1947 SE

I.A 9/2025 in R.C.P 25/2020

Petitioner/Respondent

Poonthayath Babu, Aged 54 years, S/o. Mamu, Palayur Desom, Guruvayur Village, Chavakkad Taluk.

(By Adv T.S.Ajith)

Respondent/Plaintiff:-

Mathilakath Veetil Naseem, Aged 65 years, S/o. Kadar, Palayur Desom, Guruvayur Village, Chavakkad Taluk.

(By Adv.C.Rajagopalan)

This petition is coming 30.10.2025 for hearing under Section 151 of Civil Procedure Code, the court passed the following:-

ORDER

Petition filed to reopen the evidence of the respondent.

2. The petition averments, in brief, are as follows:- The petitioner herein is the respondent in R.C.P. The matter in R.C.P. was posted for hearing on 19.09.2025. However, on 15.09.2025, I.A. No. 8/2025 filed by the petitioner in R.C.P. (who is the respondent herein) seeking to receive certain documents was dismissed by the court, and consequently, the evidence on the side of the respondent was closed. The case was thereafter posted for hearing to 19.09.2025. It is further seen that I.A. Nos. 6 and 7 of 2025 filed by the respondent in R.C.P. (who is the petitioner herein) seeking

permission to receive documents and to examine witnesses were allowed by the court. Nevertheless, the petitioner could not proceed to examine the witness since the evidence on the side of the respondent in R.C.P. had already been closed, without there being any submission from the respondent's counsel that the respondent had no further evidence to adduce or that the evidence may be treated as closed. In these circumstances, it has become necessary to reopen the evidence in order to enable the petitioner herein for further evidence of the respondent in R.C.P. for the proper adjudication of the matter and for proving the petitioner's case/respondent in R.C.P on merits. Hence, the petition.

3. The respondent filed counter statement with the following contentions:-

The petition is not maintainable either in law or on facts and filed without bonafides. The respondent has denied the averments and contentions raised by the petitioner. The respondent had earlier filed objections to the petition filed by the petitioner herein seeking to receive the witness list, and the said petition was dismissed on merits by the court. The present petition has been filed, stating the mistake in the numbering of the petition filed by the respondent. The present petition is devoid of bona fides and has been filed only with the intention to protract the proceedings and cause delay in the disposal of the case. Hence, according to the respondent, the petition is liable to be dismissed.

4. Heard both sides.

5. The present petition has been filed by the respondent in the R.C.P. seeking to

reopen the evidence on the side of the respondent. According to the petitioner herein, I.A. Nos. 6 and 7 of 2025, filed to receive certain documents and to summon and examine witnesses, were allowed by the court. However, subsequent to the dismissal of I.A. No. 8 of 2025 filed by the petitioner in the R.C.P., the court closed the evidence of the respondent, without there being any submission from the respondent that no further evidence was intended to be adduced. *Per contra*, the respondent has contended that I.A. No. 8 of 2025 filed by the petitioner herein was dismissed on merits and that the present petition has been filed only with the intention to protract the proceedings and delay the final disposal of the case.

6. I have carefully gone through the proceedings and materials available on record. It is seen that on 18.07.2025, the case was posted for the further evidence of the respondent. On that day, the respondent herein filed I.A. No. 8 of 2025 seeking to receive certain documents. The said application was dismissed on 15.09.2025, and thereafter, the evidence on the side of the respondent was closed. It is, however, revealed from the records that on 05.07.2025, I.A. Nos. 6 and 7 of 2025 filed by the petitioner herein seeking permission to receive documents, to receive the witness list, and to examine the witness were allowed by the court, as no objection had been filed from the side of the respondent. It appears that without affording a further opportunity to the respondent to adduce evidence, the respondent's evidence was closed immediately after the dismissal of I.A. No. 8 of 2025. In the above circumstances, I am of the considered view that the petitioner deserves an opportunity

to adduce further evidence in support of his case. Accordingly, the petition is to be allowed.

In the result, the petition is allowed.

(Dictated to the Confidential Assistant, transcribed by him, corrected and pronounced by me in Open Court on this the 05th day of November, 2025.)

Sd/-
Dr. Aswathy Asok
Rent Control Court
Munsiff, Chavakkad

APPENDIX:NIL

Id/-
Rent Control Court
Munsiff, Chavakkad

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