

‘HON’BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition Nos.6302 and 6306 of 2016

Common Order:

The defendant in a suit for eviction has come up with the present civil revision petitions challenging the orders passed by the Trial Court in two interlocutory applications, by which the prayer to reopen the evidence and for marking the rental receipts was rejected by the Trial Court.

2. Heard Mr. Sai Gangadhar Chamarty, learned counsel for the petitioner.

3. As rightly pointed out by the Trial Court, the plaintiff did not seek eviction on the ground of default in payment of rent. So long as there is no allegation of default, there is no need to file rental receipts.

4. However, the fear of the petitioner is that in the last line of para-4 of the plaint, the plaintiff has taken a plea that the rent for April, 2014 was paid on 13-5-2014 and that it was the last time when the rent was paid. The plaint was filed in October, 2014.

5. But in the previous sentence, the plaintiff has admitted that the defendant was regularly paying the rent to the plaintiff. Therefore, if de hors the plaint, the plaintiff seeks to allege non-payment of rent in the course of the evidence, it is open to the petitioner to confront him during cross-examination with the rental receipts. With this liberty, these

revisions are dismissed. The miscellaneous petitions, if any, pending in these revisions shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

03rd February, 2017.
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