

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2019

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.R.P.(NPD).No.2133 of 2013

A/M.Srinivasa Perumal Koil
Thadalan Koil by its Trustee
T.S.R.Ramasamy Iyengar
S/o. T.S.R.Ramasamy Iyengar
Sannathi Street
Sirkali

.. Petitioner

..Vs..

G.Pannersalvam

.. Respondent

Prayer: Civil Revision Petition filed under Section 115 of CPC against the impugned judgment and Decree dated 06.02.2013 made in S.C.No.2 of 2011 on the file of the District Munsif Court, Sirkali.

For Petitioner : Mr.M.V.Venkateshan

For Respondent : Mrs.L.Sonia Gandhi for
M/s.S.Sadasharan

ORDER

The instant revision has been filed challenging the judgment and decree dated 06.02.2013 made in S.C.No.2 of 2011 on the file of the learned District Munsif Court, Sirkali.

Brief facts leading to the filing of the instant revision:-

2. The petitioner is the plaintiff and the respondent is the defendant in the suit S.C.No.2 of 2011. The petitioner filed a suit S.c.No.2 of 2011 before the learned District Munsif Court, Sirkali for recovery of arrears of rent which according to the petitioner is payable by the respondent. The suit was filed for recovery of a sum of Rs.1,800/-. The respondent has also filed his written statement, disputing the claim of the petitioner. Issues were also framed by the Trial Court. The Trial Court has dismissed the suit on the ground that the petitioner has not been able to establish that the respondent is in arrears of rent.

2 (i) Aggrieved by the order of dismissal of S.C.No.2 of 2011, the instant revision has been filed by the petitioner.

Discussion:-

3. The petitioner has filed the following documents along with the plaint which were marked as exhibits in the suit:

a) The lease deed dated 15.06.1962 executed by the respondent's father in favour of the petitioner.

b) A copy of the notice dated 08.06.2011 issued by the petitioner to the respondent.

c) A copy of the acknowledgment card received from the respondent for the receipt of notice dated 08.06.2011 issued by the petitioner.

4. The Trial Court after considering the oral and documentary evidence has come to the conclusion that the petitioner has not been able to prove that the respondent is in arrears of rent. The Trial Court has also observed that no receipts were produced by the petitioner for the rents received by them from the respondent.

5. This court has examined the impugned judgment and decree

dated 06.02.2013 and is of the considered view that the Trial Court has come to the right conclusion, since the only documentary evidence produced by the petitioner before the Trial Court is (a) The lease deed dated 15.06.1962, (b) a copy of the legal notice dated 08.06.2011 and © acknowledgment card received from the respondent for the notice dated 08.06.2011. These documents do not prove that the respondent is in arrears of rent to the petitioner and they may at the most show the existence of lease between the petitioner and the respondent.

6. Even the unregistered lease deed marked as an exhibit is of the year 1962 but claim of arrears of rent is for the period from 2009 to 2011. The plaint filed by the petitioner is also vague and bereft of material particulars.

7. This court does not find any infirmity in the impugned judgment and decree dated 06.02.2013. Accordingly the Civil Revision Petition is dismissed. No costs.

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Index:Yes/No

Internet:Yes/No

Speaking/Non-speaking orders

To

The District Munsif Court,
Sirkali.



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ABDUL QUDDHOSE, J.

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