



S.A(MD).No.71 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

S.A.(MD)No.71 of 2023
and C.M.P(MD)No.1964 of 2023

1.The Divisional Manager,
The Indian Oil Corporation Ltd.,
Marketing Division,
Salem, having Office at
234, First Floor, SDLOA Building,
Salem-Bangalore Bye Pass Road,
Kondalampatti,
Salem

2.The Executive Director (Retail Sales),
Indian Oil Corporation Ltd.,
Indian Oil Bhavan,
G-9, Ali Yavar Jung Murg,
Bundra East,
Munmbai – 400 051

3. The General Manager,
Indian Oil Corporation Ltd.,
Indian Oil Bhavan,
139, Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034

4. The Chief Divisional Manager (Retail Sales),
Indian Oil Corporation Ltd.,
234, First Floor, SIDLOA Building,
Kondalampatti,
Salem

.... Appellants/Appellants/Defendants 1 to 4



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Vs.

..1st Respondent/1st Respondent/Plaintiff

1.P.Meenakshi

2. R.Gandhimathi

3.S.Tamil Selvi

... Respondents 2 & 3/Respondents 2 and
3/Defendants 5 & 6

Prayer : Second Appeal is filed under Section 100 of Code of Civil Procedure, against the judgment and decree dated 11.10.2022 passed in A.S.No.08 of 2022 on the file of the Principal District Judge, Karur, confirming the judgment and decree dated 01.11.2021 passed in O.S.No.30 of 2016 on the file of the Additional Subordinate Judge, Karur.

For Appellants : Mr.Muraleedharan
For Respondents : Mr.K.Suresh

J U D G M E N T

This Second Appeal has been filed against the judgment and decree dated 11.10.2022 passed in A.S.No.08 of 2022 on the file of the Principal District Judge, Karur, confirming the judgement and decree dated 01.11.2021 passed in O.S.No.30 of 2016 on the file of the Additional Subordinate Judge, Karur.

2. As directed by this Court, the appellants have filed an affidavit of undertaking dated 17.03.2023 in which they have given an unconditional undertaking that they shall vacate the premises of the suit schedule property on or before 31.10.2023.



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3. A copy of the affidavit of undertaking has also been served on the learned counsel for the respondents who has also received the instructions from the respondents for accepting the same. However, the learned counsel for the respondents would submit that the original title deeds pertaining to the suit schedule property were handed over to the appellants by the respondents at the time of entering into the lease and that has to be returned back to the respondents. The same is disputed by the learned counsel for the appellants who would submit that under normal circumstances as a lessee, the appellants could not have received the original title deeds from the respondents. The said submission is recorded.

4. However, this Court is of the view that no prejudice would be caused to any of the parties if a direction is issued to the appellants that in case, they are in possession of the original title deeds, the same shall be returned back to the respondents.

5. The affidavit of undertaking dated 17.03.2023 submitted by the appellants before this Court is taken on record. In terms of the affidavit of undertaking dated 17.03.2023, this Second Appeal is disposed of and the



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appellants shall hand over the possession of the suit schedule property to the respondents on or before 31.10.2023. No costs. The affidavit of undertaking submitted by the appellant shall form part of this judgment.

6. While handing over possession of the suit schedule property to the respondents, in case, the appellants are in possession of the original title deeds pertaining to the suit schedule property, they shall return the same back to the respondents.

7. The judgment passed by this Court today shall be placed before the executing court and the same shall be recorded by the concerned executing court.

20.03.2023

Index : Yes/No

Internet: Yes/No

CM

To

1.The Principal District Judge, Karur,

2.The Subordinate Judge, Karur.

3.The Section Officer,

VR Section, Madurai Bench of Madras High Court, Madurai.



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ABDUL QUDDHOSE, J.

CM

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20.03.2023