

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.10.2020

CORAM :

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP.No.1353 of 2019
and
CMP.No.8818 of 2019
and
CMP.No.393 of 2020

M/s.Hindustan Petroleum Corporation Ltd.,
Formerly Known as Caltex India Limited,
Thalla Muthu Natarajan Building,
No.8, Gandhi Irwin Road, Egmore,
Chennai - 600 008. Petitioner

Versus

- 1.P.Mothilal
P.Mahendra Kumar (deceased)
- 2.Sri Hayagriva Agencies
Old No.98, New no.150,
Vepery High road,
Chennai - 600 007.
- 3.Amara Bai (Mother) (died)
- 4.M.Praveena (wife)
- 5.M.Rohit
(Son, Minor rep.by his
natural Guardian & mother, 3rd respondent)
- 6.Reckhand
- 7.P.Uthamchand
- 8.Inderchand
- 9.P.Mahaveerchand
- 10.P.Prakashchand
- 11.P.Manakchand

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12.P.Motilal

13.P.Lalithkumar

14.P.Susila

15.P.Sasikala

... Respondents

[R6 to R15 brought on record as Legal heirs
of the deceased R3 viz., Amara Bai Vide order
of the Court dated 12.10.2020 made in CMP.No.9378 of 2020]

Civil Revision Petition filed under Section 227 of the Constitution of India, praying to set aside the order and decree dated 18.02.2019 rejecting the memo in O.S. No. 4425 of 2013 passed by the XVI Assistant Judge in charge of VI Assistant Judge, City Civil Court, Chennai and allow the Civil Revision Petition.

For Petitioner : Mr.O.R.Santhanakrishnan

For Respondents: Mr.D.Dharamchand (for R1, R4 & R5)
: R3 (died)
: Not ready in notice (R6 to R15)

ORDER

Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents 1, 4 and 5.

2. The first respondent herein filed the suit in O.S. No. 4425 of 2013, before the VI Assistant Judge, City Civil Court, Chennai, for ejection and also claiming certain amount towards damages for use and occupation of the suit property, in which, the present petitioner/M/s. Hindustan Petroleum Corporation Ltd., filed an application in I.A.No.15302 of 2013, claiming certain rights under Section 9 of the Tamilnadu City Tenants' Protection Act. When the matter was under trial a memo has been filed claiming their rights under the above said Act. The first defendant, petitioner herein sought permission of the Trial Court to let in evidence in support of his application at the first instance. The said memo was rejected. Hence, the present Civil Revision Petition.

3. The reportable judgment quoted by the learned counsel for the petitioner herein rendered by the Hon'ble Supreme Court of India, in the case of Civil Appeal No.2870 of 2007, dated 28.01.2020, wherein, the Apex Court has observed as hereunder:-

"22.Recording the aforesaid position, we dismiss the present appeals by the appellant, that is, the three petroleum companies, and uphold the orders passed by the High Court that the appellant tenants would not be entitled to the benefit and rights under the Act unless they are in actual physical possession of the building constructed by them. In other words, in case the appellants have let out or sub-let the building or given it to third parties, including dealers or licensees, they would not be entitled to protection and benefit under the Act."

4.In view of the law laid down by the Apex Court which is binding upon all the Courts including the Trial Courts as well as the High Courts, the Petroleum and Oil companies are not entitled to the benefits conferred under Section 9 of the above said Act. Since the suit is pending before the Trial Court, I hereby dispose of the Civil Revision Petition with a direction to the Trial Court to commence the trial by permitting the plaintiff to let in evidence and to complete the suit, as early as possible, within a period of twelve weeks. Taking note of the above situation, both the parties are directed to co-operate for the earlier disposal of the suit. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

klt

To

The XVI Assistant Judge in charge of
VI Assistant Judge,
City Civil Court, Chennai.

+2cc to Mr.D.Dharamchand Jaai, Advocate, S.R.No. 34989

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and

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SPD(CO)
GN(04/11/2020)