

C.M.P.No.7557 of 2020

in

S.A.No.811 of 2016

R.SUBRAMANIAN.J.

This application has been filed by the 4th respondent in S.A.No.811 of 2016 seeking extension of time granted to vacate and handover vacant possession of the suit schedule property to the respondents 1 to 3.

2. The appeal was at the instance of the Indian Oil Corporation, challenging the decree for eviction granted. While confirming the said decree, this Court had granted time to the Corporation to vacate and handover the possession to the land owners on or before 31.03.2020. The Corporation had not moved any application for extension of time. The 4th respondent who is a dealer and who had not chosen to challenge the eviction decree filed the instant application seeking extension of time.

3. This application in my opinion cannot be maintained at the instance of the 4th respondent. It is for the Indian Oil Corporation to seek time if it desires to do so. Hence, this application is dismissed as not maintainable.

4. Since the corporation had not chosen to vacate and hand over possession within the time granted by this Court, I had required the counsel for the corporation to file an affidavit explaining the reason for non compliance. The Chief Manager (Retail Sales) of Indian Oil Corporation has

filed an affidavit stating that as per the order of this Court, they had directed their dealer to locate another site for setting up the retail outlet, but due to the pandemic and the lock down enforced, it became very difficult for them to find alternative land to set up their retail outlet. It is also stated in the affidavit that the dealer has been advised to stop sales and steps have been taken to remove the construction including the underground tanks.

5. However, in the affidavit, it is not stated how much time would be required for the Corporation to handover the possession to the land owners.

6. Mr.Abdul Saleem, learned counsel for the corporation, upon instructions, would submit that the corporation would vacate and handover the possession of the suit property to the land owners, namely, the respondents 2 to 4 herein on or before 31.12.2020.

7. The statement of the learned counsel for the corporation is recorded.

8. Post for compliance on 04.01.2021.

02.12.2020

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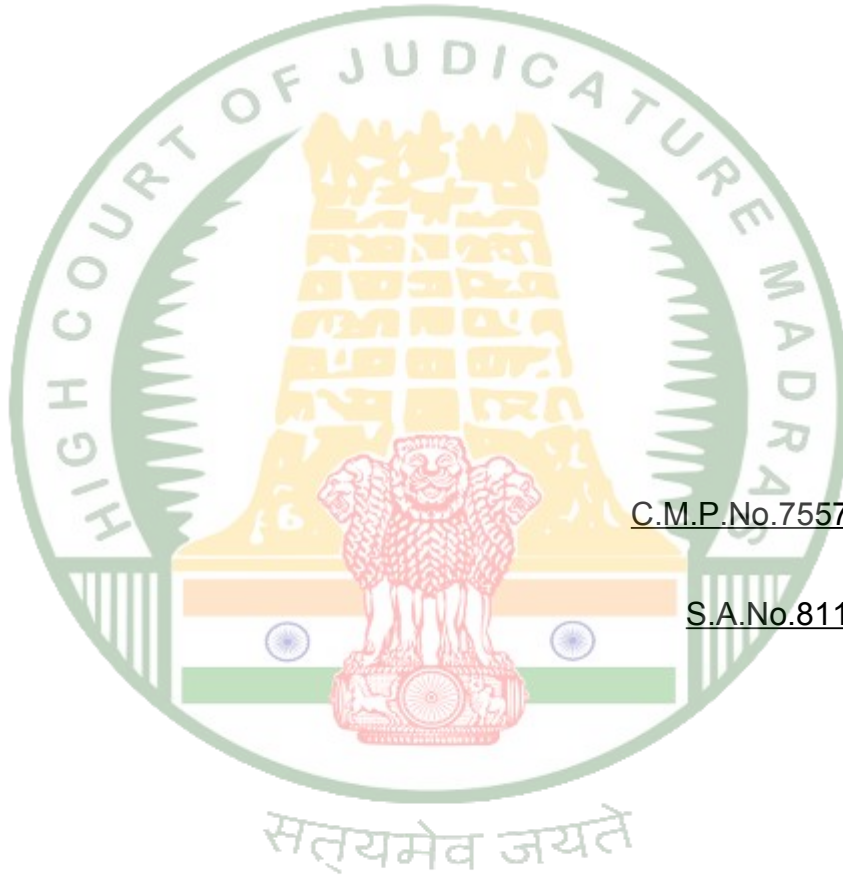


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