



WEB COPY

SA NO. 807 of 2024
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-01-2025

CORAM

THE HONOURABLE MRS JUSTICE T.V.THAMILSELVI

SA NO. 807 of 2024

AND

CMP NO. 25766 OF 2024

M/s.IBP Company Ltd,
(Indian Oil Corporation) rep by Divisional
Manager Marketing Division Trichy Divisional
Office Triveni III Floor B 35 Sastri Road Thillai
Nagar, Trichy-620018

Appellant(s)

Vs

Periyasamy
S/o.Lakshmanan, res at Lakshmanan Illam,
NO.20, Opp. To II Cross, Thanthai Periyar Nagar
Main Road, Thanthai Periyar Nagar,
Ellaipillaichavady, Pondicherry-605005
Mangayarkarasi (Died) and 2 Others

Respondent(s)

CMP NO. 25766 of 2024

M/s.IBP Company Ltd,
(Indian Oil Corporation) rep by its Divisional
Manager Marketing Division Trichy Divisional
Office Triveni III Floor B 35 Sastri Road Thillai
Nagar, Trichy-620018

Appellant(s)

Vs

Page No.1/5



WEB COURT

Periyasamy
(Indian Oil Corporation) rep by its Divisional
Manager Marketing Division Trichy Divisional
Office Triveni III Floor B 35 Sastri Road Thillai
Nagar, Trichy-620018 and 2 Others

Respondent(s)

SA NO. 807 of 2024

For Appellant(s):

Mohammed Fayaz Ali
S.Adarsh
Amina Hussian
Rohit R G

For Respondent(s):

CMP NO. 25766 of 2024

For Appellant(s):

Mohammed Fayaz Ali
S.Adarsh
Amina Hussian
Rohit R G

For Respondent(s):

ORDER

Today, the matter is listed under the caption "for clarification", at the
instance of the learned counsel for the appellant.

2. Heard the learned counsel for the appellant.

Page No.2/5



WEB COPY

3. Considering the submissions made by the learned counsel for the appellant, paragraph Nos.3 & 4 of the judgment passed by this Court in S.A.No.807 of 2024, dated 14.11.2024 shall be replaced as follows:

.....

“3. Before the trial Court, the plaintiff filed the suit to vacate, surrender and to remove the super structure in the suit property against the defendant / appellant herein. Admittedly, the suit property is belongs to the plaintiff, which was leased to the defendant / appellant herein for monthly rent of Rs.12,800/- per month with cumulative increase of 15% after every three years as a tenant the defendant had been storing, selling and trading in petrol and petroleum products by running a retail outlet and term of the lease was expired on 28.02.2015. Thereafter, the plaintiff was not interested in leasing out the properties and not inclined to renew the lease agreement, thereby he issued notice on 23.12.2014 calling upon the defendant / appellant herein to vacate and surrender the vacant land of the suit property to the plaintiff after removing superstructures erected thereon but the defendant failed to vacate the property despite acknowledging the said notice. The



WEB COPY



defendant / appellant herein also admitted the lease agreement with the plaintiff but not inclined to vacate the premises, for near about 8 years case is pending before the Courts. Further, the findings given by the Trial Court also affirmed by the first appellate Court. On perusal of records, it reveals that on 01.03.2015 the lease agreement was terminated as there is no substantial question of law involved in this appeal. Accordingly, this appeal is dismissed as merits.

4.In the result, appeal is dismissed as no merits and this Court is inclined to grant six months time to the appellant to vacate the suit properties as he is senior citizen. No Costs. Consequently, pending petition(s), if any is/are closed."

4. Registry is directed to carry out the necessary correction in the above judgement and issue a fresh order copy to the parties forthwith. The other portion of the judgement dated 14.11.2024 shall remain unaltered.

20-01-2025

SA NO. 807 of 2024

Page No.4/5



WEB COPY

To

1. Periyasamy

S/o.Lakshmanan, res at Lakshmanan Illam, NO.20, Opp.
To II Cross, Thanthai Periyar Nagar Main Road,
Thanthai Periyar Nagar, Ellaipillaichavady,
Pondicherry-605005 Mangayarkarasi (Died)

2. Dhanalekha Dio. Periyasamy

W/o.Anand, res at Lakshmanan Illam, NO.20, Opp. To II Cross, Thanthai
Periyar Nagar Main Road, Thanthai Periyar Nagar, Ellaipillaichavady,
Pondicherry-605005

3. DHANIA

D/o.Periyasamy, W/o.Dilip Karthick, res at Lakshmanan Illam No.20 Opp
to II Cross Thanthai Periyar Nagar Main Road thanthai Periyar Nagar
Ellaipillaichavady Pondicherry -605005

CMP NO. 25766 of 2024

1. Periyasamy

(Indian Oil Corporation) rep by its Divisional Manager
Marketing Division Trichy Divisional Office Triveni III
Floor B 35 Sastri Road Thillai Nagar, Trichy-620018

2. Dhanalekha Dio. Periyasamy

W/o.Anand, res at Lakshmanan Illam, NO.20, Opp. To II Cross, Thanthai
Periyar Nagar Main Road, Thanthai Periyar Nagar, Ellaipillaichavady,
Pondicherry-605005

3. DHANIA

D/o.Periyasamy, W/o.Dilip Karthick, res at Lakshmanan Illam No.20 Opp
to II Cross Thanthai Periyar Nagar Main Road thanthai Periyar Nagar
Ellaipillaichavady Pondicherry -605005

rrr