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CMP NO. 27878 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2025

CORAM

THE HONOURABLE MR JUSTICE R. SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

CMP NO. 27878 of 2024

IN

AS NO. 622 OF 2024

N.K.A. Wahab And Co

Rep by its Partner, K.A.Sulthan Hameed S/o. N.K.Abdul
Wahab, No. 10/380, Palakkad Main Road, Kuniyamuthur,
Coimbatore.

Appellant(s)

Vs

Indian Oil Corporation Limited

Rep by DeepakKumar Having registered office at No.G9,
Ali Yavar Jung Marg, Bandra (East), Mumbai 400 051
Divisional office at Indian Oil Bhavan, 8/1079, Avinashi
Road, Coimbatore and 8 Others

Respondent(s)

For Appellant(s):

C.Prakasam

For Respondent(s):

ORDER

*(Order of the Court was made by the Hon'ble **R.Subramanian J.**)*

This application has been filed by the licensee under the appellant seeking
to implead itself in these proceedings.



2. The suit was filed by the respondents for a declaration that there is no renewal of lease beyond 31.12.2009 on account of the right to renew the lease vested with the defendant having become nugatory and for eviction.

The appellant, apart from resisting the suit made a Counter Claim seeking a declaration that the lease is perpetual one. The Trial Court rejected the contentions of the defendant-Corporation and granted a decree for possession. This necessitated the appeals by the Corporation.

3. The petitioner filed petition seeking impleading contending that he is a licensee under the Corporation and as such it is a necessary party to the proceedings. A licensee under a tenant cannot be held to be a necessary or a proper party. It can carrying on business or the activity, which it has been licenced to do. Till such time, the principle licensor are in possession. A licensee has no independent licence apart from licensor. Hence, the application for impleading is dismissed, as the petition to implead is dismissed as unnecessary and the petitioner does not have an independent right to project in the Court. Hence, the application is dismissed.

(R.SUBRAMANIAN J.) (C.KUMARAPPAN J.)

27-01-2025

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Note: Issue order copy on 07.02.2025