



C.M.P.No.12849 of 2004

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

S.A.Nos.1634 & 1635 of 2004

and

C.M.P.No.12849 of 2004

S.A.No.1634 of 2004:

1.Jubaitha Ammal (Died)

... I Appellant/I Appellant
1st Defendant

2.M.A.Mohammed Kassim (Died)

... II Appellant/II Appellant
2nd Defendant

3.M.M.Anwar Ali

4.M.M.Abdul Hameed

5.M.M.Hassan Mohammed

... Appellants 3 to 5

*(Appellants 4 & 5 are represented through their power agent
3rd appellant)*

*(Appellants 3 to 5 are brought on record as LR's of deceased 2nd
appellant, vide Court order, dated 18.04.2018 made in C.M.P
(MD)Nos.1499 & 1500 of 2018)*

6.M.R.Remiza Beevi (Died)

7.M.R.Asraf Ali



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8.M.R.Mehrunisha (Died)

9.M.R.Noorzahan

10.M.R.Sarbunisha

11.M.R.Asina Begam

... Appellants 6 to 11

(Appellants 6 to 11 are brought on record as LR's of deceased 1st appellant, vide Court order, dated 18.04.2018 made in C.M.P(MD) Nos.1496 to 1498 of 2018 in S.A.No.1634 of 2004)

12.J.Anwar Batcha

13.A.Baduranisha

14.A.Nazeema Begam

15.A.Shifana Begum

... Appellants 12 to 15

(Appellants 12 to 15 are brought on record as LR's of the deceased 6th appellant vide Court order, dated 13.06.2025 made in C.M.P(MD) Nos.9784, 9785 & 9788 of 2023 in S.A.No.1634 of 2004)

16.M.Gulam

Mohammed

17.G.Samsath Begum

18.G.Mohammed Ibrahim

... Appellants 16 to 18

(Appellants 16 to 18 are brought on record as LR's of the deceased 8th appellant vide Court order, dated 13.06.2025 made in C.M.P(MD) Nos.9790, 9791 & 9793 of 2023 in S.A.No.1634 of 2004)

Vs.

1.N.Panjalai (Died)

... 1st Respondent/2nd Respondent/
4th Defendant



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2.N.Ramakrishnan (Died)
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... 2nd Respondent/1st Respondent/
Plaintiff

3.Indian Oil Corporation Limited,
Represented by its Regional Manager.

... 3rd Respondent/3rd Respondent/
3rd Defendant

4.Vijayalakshmi

5.Jeyakumar

6.Ravikumar

7.Sathya

8.Saranya

... Respondents 4 to 8

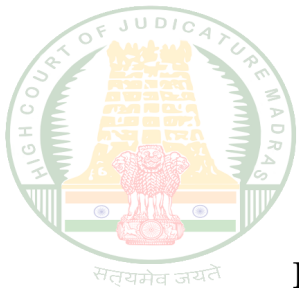
(Respondents 4 to 8 brought on record as LRs of the deceased 2nd respondent vide Court order, dated 15.07.2009 made in M.P(MD)Nos.1 to 3 & 1 to 3 of 2007 in S.A.Nos.1634 & 1635 of 2004)

9.N.Ramesh

...9th Respondent

(9th Respondent is brought on record as LR of the deceased 1st respondent vide Court order, dated 08.07.2025 made in C.M.P (MD)Nos.9776, 9778 & 9780 of 2023 in S.A.No.1634 of 2004)

PRAYER : Second Appeal filed under Section 100 of the Civil Procedure Code, 1908, against the decree and judgment of the Principal Sub Judge, Kumbakonam, dated 13.10.2003 passed in A.S.No.74 of 2003 confirming the decree and judgment of the District Munsif of Papanasam, dated 30.01.2003 passed in O.S.No.28 of 2000.



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For Appellants : Mr.PT.S.Narendravasan

For R-3 : Mr.K.Muraleedharan

For R-1, R-4 to R-9 : Mr.S.Deenadhayalan

For R-2 : Died

S.A.No.1635 of 2004:

1.Jubaitha Ammal (Died)

2.M.A.Mohammed Kassim (Died)

... Appellants/ Appellants Plaintiffs

3.M.M.Anwar Ali

4.M.M.Abdul Hameed

5.M.M.Hassan Mohammed

... Appellants 3 to 5

*(Appellants 4 & 5 are represented through their power agent
3rd appellant)*

6.M.R.Remiza Beevi (Died)

7.M.R.Asraf Ali

8.M.R.Mehrunisha (Died)

9.M.R.Noorzahan

10.M.R.Sarbunisha

11.M.R.Asina Begam

... Appellants 6 to 11

*(Appellants 3 to 5 brought on record as LRs of the deceased 2nd
appellant and appellants 6 to 11 are brought on record as LRs of the
deceased 1st appellant, vide Court order, dated 03.04.2018 made in*

<https://www.mhc.tn.gov.in/jdis/>



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C.M.P(MD)Nos.1504 & 1505 of 2018 and C.M.P(MD)Nos.1501 to 1503 of 2018 in S.A.No.1635 of 2004)

12.J.Anwar Batcha

13.A.Baduranisha

14.A.Nazeema Begam

15.A.Shifana Begum

... Appellants 12 to 15

(Appellants 12 to 15 are brought on record as LR's of the deceased 6th appellant vide Court order, dated 13.06.2025 made in C.M.P(MD) Nos.9794, 9795 & 9796 of 2023 in S.A.No.1635 of 2004)

16.M.Gulam

Mohammed

17.G.Samsath Begum

18.G.Mohammed Ibrahim

... Appellants 16 to 18

(Appellants 16 to 18 are brought on record as LR's of the deceased 8th appellant vide Court order, dated 13.06.2025 made in C.M.P(MD) Nos.9801, 9802 & 9803 of 2023 in S.A.No.1635 of 2004)

Vs.

1.N.Panjalai (Died)

2.N.Ramakrishnan (Died)

... Respondents/Respondents
Defendants

3.Vijayalakshmi

4.Jayakumar

5.Ravikumar



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6.Sathya

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7.Saranya

... Respondents 3 to 7

(Respondents 3 to 7 brought on record as LR's of the deceased 2nd respondent vide Court order, dated 15.07.2009 made in M.P(MD)Nos.1 to 3 & 1 to 3 of 2007 in S.A.Nos.1634 & 1635 of 2004)

8.N.Ramesh

...8th Respondent

(8th Respondent is brought on record as LR of the deceased 1st respondent vide Court order, dated 08.07.2025 made in C.M.P (MD)Nos.9797, 9798 & 9799 of 2023 in S.A.No.1635 of 2004)

PRAYER : Second Appeal filed under Section 100 of the Civil Procedure Code, 1908, against the decree and judgment of the Principal Sub Judge, Kumbakonam, dated 13.10.2003 passed in A.S.No.75 of 2003 confirming the decree and judgment of the District Munsif of Papanasam, dated 30.01.2003 passed in O.S.No.136 of 1998.

For Appellants : Mr.PT.S.Narendravasan

For R-1, R-3 to R-8 : Mr.S.Deenadhayalan

For R-2 : Died

COMMON JUDGMENT

The Second Appeals have been preferred by a tenant, who is running a petrol bunk in the suit schedule property.

2. The tenant had filed O.S.No.136 of 1998 seeking a mandatory injunction for



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extension of lease on the basis of a clause found in the lease agreement, dated 29.07.1990 marked as Exhibit B.1. As per the original lease deed, the lease period is fixed for eight years. A clause in the said lease deed provides for further extension of 10 years. Alleging that the landlord is not coming for extension of lease for a further period of 10 years, O.S.No.136 of 1998 was filed by the tenant. The landlord had filed O.S.No.28 of 2000 seeking recovery of possession on the ground that the lease period had got expired. Both the suits were tried together. O.S.No.136 of 1998 was dismissed and O.S.No.28 of 2000 was decreed. Challenging the same, the tenant has preferred A.S.Nos.74 and 75 of 2003. Both the appeals preferred by the tenant were dismissed by the First Appellate Court. Challenging the said judgment and decree, the tenant has preferred the present second appeals in S.A.Nos.1634 and 1635 of 2004.

3. According to the learned Counsel appearing for the appellants, the tenant is running the petrol bunk for more than 50 years and a huge sum of Rs.80,00,000/- is outstanding from various persons including Government Departments. He requires some time to relocate the petrol bunk. For relocating the petrol bunk, permission has to be obtained from several authorities and therefore, he prays two years time to vacate and hand over the premises. To the said effect, an affidavit has been filed by the tenant, dated 23.07.2025.



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4. The learned Counsel appearing for the respondent landlord submits that the lease period has expired in the year 1998. Even if the suit filed by the tenant in O.S.No.136 of 1998 had been decreed, the lease period would have expired in the year 2008. In such circumstances, no further time should be granted to the tenant for vacating and handing over possession. He further submits that from July 2022 onwards, the monthly rent has not been paid by the tenant. The learned Counsel appearing for the tenant submits that though the rent was sent to the landlord, they were returned by the landlord.

5. Considering the fact that the tenant has filed an affidavit seeking time to vacate and hand over possession, this Court is not inclined to go into the merits of the second appeals.

6. The following judgment and decree is passed:

"a) The judgment and decree of the Courts below are hereby confirmed.

b) The tenant is granted time till 28.02.2026 to vacate and hand over possession.

c) The tenant shall pay rent at the rate of Rs.25,000/- from January 2023 onwards till date. The said arrears shall be paid on or before 31.08.2025.

d) In case if the tenant has not vacated the premises by that time, the third respondent is directed to stop the supply of fuel to the appellants."

7. The second appeals stand disposed of on the above said terms. There shall



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be no order as to costs. Consequently, connected Miscellaneous Petition stands
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closed.

Sd/-

Assistant Registrar (AD - II)

// True Copy //

/2025

Sub Assistant Registrar

(CS - I/ II / III /IV)

Madurai Bench of Madras High Court,
Madurai.

BTR

Note: Issue order copy on 25.07.2025.

To

1.The Principal Sub Judge,
Kumbakonam.

2.The District Munsif,
Papanasam.

3.The Section Officer,
Vernacular Record Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+2 CC to M/s.S.DEENADHAYALAN, Advocate (SR-46203[F] & SR-46204[F]dated
25/07/2025)

+1 CC to M/S.S.NARENDRAVASAN, Advocate (SR-45686[F]dated 24/07/2025)



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Judgment made in
S.A.Nos.1634 & 1635 of 2004
Dated: 23.07.2025

AVK/25.07.2025 10P/8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023