



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

SECOND APPEAL NO.11 OF 2026

Dr. Rajendra Gopkisan Kalantri .Vs. M/s BPCL, thorough Sales Officer/Territory
Manager, Nagpur

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. R.M. Bhangde, Senior Adv. a/b Mr. N.S. Lande, Adv. for appellant.

CORAM : ROHIT W. JOSHI, J.

DATE : 12/01/2026

1. The appeal takes exception to the concurrent decrees dismissing the suit for perpetual injunction filed by the present appellant against the respondent, which is a State-owned oil corporation.

2. The respondent has taken the suit property on lease from its earlier owner, Mr. Sharma. The appellant has purchased the suit property from Mr. Sharma under a registered sale deed. Mr. Sharma, was running petroleum retail outlet from the suit property as a dealer/agent of the respondent-oil corporation. After execution of the sale deed, the present appellant occupied the suit premises and started operating the petrol pump.

3. The learned Courts have dismissed the suit for perpetual injunction on the ground that the possession of the appellant/original plaintiff over the suit property is unlawful.

4. Mr. Bhangde, learned Senior Advocate for the appellant/original plaintiff places reliance on judgment of the Hon'ble Supreme Court in the case of of *Rahul*

*Yadav ..vs.. Indian Oil Corporation Ltd.*¹, particularly paragraph-21 thereof, to contend that the respondent/company cannot evict or dispossess the appellant from the suit property without at least following the summary procedure prescribed under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

5. The learned Senior Advocate further contends that three applications, vide Exhibits 76, 156 and 159, were filed by the appellant/plaintiff under Order 41 Rule 27 of the Code of Civil Procedure, 1908, before the learned First Appellate Court and that although initially order was passed that the same shall be decided while adjudicating the appeal on merits, the said applications are left undecided. He contends that the relevance of the applications is that evidence was sought to be led by the appellant/plaintiff in order to demonstrate that the respondent-oil corporation was well aware about the fact that the appellant/plaintiff was operating the petroleum retail outlet.

6. In view of the above, issue notice to the respondent on the following substantial questions of law, returnable on **09.02.2026**.

“a) Whether the respondent can resume possession of the suit property without following the procedure as contemplated under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 Act ?

b) Whether the learned First Appellate Court has erred in law in deciding the appeal without deciding the application for permission to lead

1 (2015) 9 SCC 447

*additional evidence filed by the appellant/plaintiff
vide Exhibits 76, 156 and 159 ?”*

7. The appellant is directed to serve the respondent by speed post in addition to regular mode of service and file affidavit of service before the returnable date.

CIVIL APPLICATION (CAS) NO.25 OF 2026

1. Issue notice to the non-applicant, returnable on **09.02.2026.**

2. The applicant is directed to serve the non-applicant by speed post in addition to regular mode of service and file affidavit of service before the returnable date.

3. Parties are directed to maintain *status quo* with respect to possession over the suit property till the returnable date.

(ROHIT W. JOSHI, J.)