

**IN THE COURT OF PRINCIPAL DISTRICT JUDGE,
CHENGALPATTU DISTRICT.**

Present : **Thiru.T.Chandrasekaran, M.L.,**
Principal District Judge,
Chengalpattu.

Thursday the 30th day of October, 2025

I.A.No.4/2024
in
PP CMA No.11/2017

In the matter of :

Bharat Petroleum Corporation Ltd.,
represented by its Territory Manger (Retail),
Baidyanat Naik,
Vaidyanantha Mudali Street,
Chennai - 81.

. . . Petitioner / Appellant.

/Vs/

1. St.Thomas Mount cum Pallavaram Cantonment Board,
represented by its Chief Executive Officer,
B.Ajith Reddy, St.Thomas Mount,
Chennai - 600 016.

2. The Estate Officer,
Cantonment Board,
represented by its Chief Executive Officer,
B.Ajith Reddy, St.Thomas Mount,
Chennai - 600 016.

. . . Respondents/Respondents.

This petition came up before me for final hearing on
29.8.2025, in the presence of Thiru.M.Anandeeswaran, Advocate for the
petitioner and Tvl.N.Karunanidhi, S.Alli and A.Rajamanickam, Advocates

for the respondents, upon hearing the arguments of both side counsels, perusing the entire records and having stood over the matter for consideration till this day, this court delivers the following,

ORDER

This petition is filed by the petitioner / appellant's counsel under Section 151 of CPC, to reopen his side arguments in appeal.

2. The averments set out in the petition filed by the counsel for petitioner briefly read as follows :

The appeal was posted on 20.12.2023 for payment of arrears of rent and arguments. Due to no representation on both sides the case was posted to 29.1.2024 for judgment. The counsel for petitioner / appellant was engaged in another court and could not reach this court during the calling work. On 20.12.2023, the petitioner / appellant has credited a sum of Rs.85,38,084/- in the account of respondent and complied the direction of this court, which was the agreed amount of arrears as mentioned in I.A.No.294/2017. As per order in I.A.No.294/2017, the Order passed by the respondent dated 26.2.2017 was stayed by this court, later the same was made absolute. Therefore, the respondents are not entitled to direct the petitioner / appellant to pay rent. However the petitioner / appellant has paid the said amount into the account of respondents. Hence, to advance the arguments on petitioner / appellant's side regarding legal and factual aspects, it is highly necessary to reopen petitioner / appellant's side

arguments in the above appeal. No prejudice would be caused to other side in allowing this application. Otherwise, the petitioner will be put to irreparable loss and hardship. Hence, the petition.

3. The averments set out in the counter filed by the respondents briefly read as follows :

The stay granted in I.A.No.294/2017 was limited in nature and the same is till disposal of the appeal. The appellant is liable to pay the amount due and payable by him as per the impugned orders of the respondents. Instead, the appellant is submitting in para No.2 that he had complied the direction of this court, which is incorrect. The appellant is liable to pay the amount as per the Memo filed by the respondents. Since the appellant failed to comply the statutory obligations, there need not be any indulgence by this court much less to reopen the above appeal. The application lacks bonafide, deserves no merit. Hence, prayed for dismissal of petition.

4. The point for consideration is :

Whether the appellant's side arguments has to be reopened as prayed for?

5. On Point :

Heard both sides. Perused the records. As alleged by the petitioner / appellant's counsel, an order was passed in I.A.No.294/2017 (petition for interim stay) directing the petitioner herein to pay a sum of Rs.40,00,000/- to the respondent by 21.4.2017. As per the said order the

petitioner / appellant has paid a sum of Rs.40,00,000/- and the petition stood posted for filing of counter of respondent. Since the respondent failed to file counter, the said petition in I.A.No.294/2017 for interim stay was allowed. Therefore now there is no necessity to pay the rent by the petitioner / appellant. In this regard and other factual aspects, the petitioner /appellant intends to make his arguments before this court. Since the PP CMA is at the stage of orders, the present application is filed to reopen petitioner / appellant's side arguments. On the side of the respondent though counter is filed, the objections made by them are not justifiable. After hearing the appellant, the respondents will be prescribed with a chance to make their submission. Hence, there is no question of any prejudice to be caused to them. The balance of convenience lies with the petitioner / appellant only. Therefore, the petition is deserved to be allowed.

6. In the result, the petition in I.A.No.4/2024 is allowed. No costs.

Typed to my dictation, corrected and pronounced by me in open court, on this the 30th day of October, 2025.

Principal District Judge,
Chengalpattu.

Both side witness and exhibit :
Nil.

Principal District Judge,
Chengalpattu.