

**IN THE COURT OF THE SENIOR CIVIL JUDGE, AIZAWL DISTRICT,
AIZAWL MIZORAM
Declaratory Suit No.6/2006**

Mr.Thanhlira
S/o Hauva (L),
Chanmari, Aizawl, Mizoram
Sole Proprietor,
Hauva Filling Station,
Bawngkawn, Aizawl, Mizoram.

.....Plaintiff.

-Versus-

1. Indian Oil Corporation Ltd.
Throu' General Manager, IOC Ltd.(MD),
North East State office,
East Point Tower,
Bamunimaidan,
Guwahati – 21
2. The Sr.Divisional Retail Sales Manager,
Indian Oil Corporation Ltd.
Guwahati Divisional Office,
Noonmati, Guwahati – 20
3. The Asstt. Manager (RS)/Silchar
Indian Oil Corporation Ltd.
Tarapore, Silchar

.....Defendant.

**BEFORE
R.VANLALENA, Senior Civil Judge-2**

For the Plaintiff : Shri W.Sam Joseph & Ors, Advocates.
For the Defendants
1 & 2 : Shri M.M.Ali
Date of Hearing : 01.08.2023
Date of Judgement: 14.08.2012

JUDGEMENT

The Plaintiff Mr.Thanhlira S/o Hauva(L) is present through his Ld. counsels Shri W.Sam Joseph & others, Advocates. The

Defendants no.1-3 (The Indian Oil Corporation Ltd. & 2 others) are present through Ld. counsels Shri M.M.Ali & others, Advocates.

Today is fixed for preliminary hearing on the issue of maintainability of the instant suit D.S.No.6 of 2006.

The facts of the case as alleged which have led to the filing of the instant suit may be briefly stated as follow:-

The Plaintiff is the dealer of Petrol and HSD under the Indian Oil Corporation Ltd. And his retail outlet (RO) is located at Ramhlun North, Aizawl and has been serving the need of the people of Mizoram for the last 12 years without any complaints from any one. After every consignment of petrol and HSD went through tests conducted by the Legal Metrology Department of Mizoram, the same were sold to the customers. However on 26.07.2006 an Inspection Team from Anti Adulteration Cell came to Aizawl and took sample from the underground Tank which was unloaded from the Tank Truck under Vairengte Challan No.0405 dated 22.07.2006 received at Aizawl on 24.07.2006. The Team took sample to Kolkata Regional Laboratory, Gouripur, Kolkata and conducted different kinds of test such as Beiling point test and RON test. The Plaintiff was informed that the test conducted at Kolkata shown that the sample taken from the Plaintiff's retail outlet have failed in the test. As a result of this, the Defendants intended to stop the sales of petrol and HSD from the Plaintiff's retail outlet. Sensing apprehensions that sales of petroleum products from the Plaintiff's retail outlet be stopped by the Defendants, the Plaintiff approached the court praying reliefs inter alia that the report made by the Defendants be declared null and void, and the Defendants be restrained from stopping the supply of petrol and HSD to the Plaintiff and any other relief to which the Plaintiff is entitled to according to Justice, Equity and good conscience.

I have heard Ld. counsel Shri W.Sam Joseph who submitted that the Plaintiff would be suffering from huge loss unless the Defendants are restrained from stopping the supply of petroleum products to the Plaintiff in particular and the people of Mizoram will suffer in general. Hence, the report made by the Defendants from the sample drawn may be declared null and void. I have also heard the Ld. counsel Shri MM Ali who submitted that the suit is not maintainable in its present form and style in view of the expiry of the cause of action against the Defendants. He further submitted that the suit has become anfractuious as the cause of action has already expired due to the fact that the said report has to be declared within a month's time from the date of drawing samples of petrol and HSD when was not declared till date.

I have considered the submissions of both Ld. Counsel for respective parties. I have also perused materials available on records. Counsels for the parties agreed that the suit may be not maintained due to the fact that it has become infructuous. This court is of the view to dismiss the instant suit accordingly. Hence dismissed without costs.

With this order, the instant suit stands disposed of and its Misc. case automatically stands disposed of.

R.VANLALENA
Senior Civil Judge – II
Aizawl District : Aizawl.

Memo No. /SCJ-I I(A)/2012: Dated Aizawl the, 14th August 2012.
Copy to:

1. The District and Sessions Judge, Aizawl District, Aizawl, Mizoram for information.
2. Mr.Thanhlira, S/o Hauva (L), Chanmari, Aizawl, Mizoram, Sole Proprietor, Hauva Filling Station, Bawngkawn, Aizawl, Mizoram through Counsels Shri W.Sam Joseph & Others.
3. Indian Oil Corporation Ltd. Throu'General Manager, IOC Ltd.(MD), North East State office, East Point Tower, Bamunimaidan, Guwahati – 21 through Counsel Shri MM Ali
4. The Sr.Divisional Retail Sales Manager, Indian Oil Corporation Ltd. Guwahati Divisional Office, Noonmati, Guwahati – 20 through Counsel Shri MM Ali
5. The Asstt. Manager (RS)/Silchar, Indian Oil Corporation Ltd. Tarapore, Silchar through Counsel Shri MM Ali
6. Registry Section.
7. Case record.

PESHKAR