APHC010788502018

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

MONDAY, THE 20th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

COMMERCIAL SUIT NO: 2 OF 2018

Between:

1. BUNKERNET LIMITED, CYPRUS, A Company incorporated under the Laws of Cyprus and having its office at Panteli Modestou 3A 3090 Limassol Cyprus Rep. by its Authorized Rep. Mr.S.Prakash

...Petitioner

AND

1. MT PV OIL VENUS AND ANOTHER, (IMO- 9168257) A foreign flag vessel together with her engines, hull, tackle, engines, gears, plant, machinery, articles, things, apparel, equipment, stores and other paraphernalia on board, at present lying in the port and harbor of krishnapatnam, in Indian territorail waters, Rep by its Master.

2. The Krishnapatnam Port Company Limited, Rep by its Managing Director and Chief Executive Officer Nellore, AP

...Respondents

Honble Court may be pleased to Order h. that the 1st respondent Vessel along with her hull, tackle, engines, gears, plant, machinery, articles, things apparel, equipment, stores and other paraphernalia on board be arrested by and under the order of this Honble Court for satisfaction of the plaintiffs claim, costs and poundage i. Pass a decree in favour of the plaintiff for a sum USD 136,265.24 (United States Dollars One Hundred Thirty-Six Two Hundred

Sixty-Five and Twenty-Fourt cents only). The Principal Claim amount being USD 69,858.67 and interest at 3 percent p.m.from due date of each invoice till filing of the Suit along with compensation fee being USD 36, 406.57 and further interest at 3 percent per month on the principal amount til realization of the said monies plus costs incurred for Singapore lawyers amounting to USD 7,000 and USD 23,000 towards cost of legal proceedings in India plus Sheriff's Poundage, more particularly set out in particulars of claim j. that the Defendant Vessel along with her hull, tackle, engines, gears, plant machinery, articles, things apparel, equiqment, stores and other paraphemalia on board be appropriated and the sale proceeds thereof be held towards satisfaction of plaintiffs claim, costs and poundage k. For a direction to adjust the sale proceeds of the 1st Defendant Vessel against the suit claim with interest and costs l. Let the Defendants be ordered to compensate or make good the loss, damage and expenditure suffered/incurred/suitained by the plaintiff in the process m.Let the Defendants be directed to pay to the plaintiff the costs of the suit and poundage AND n.Any other relief (s) may kindly be granted in favour of the plaintiff under the facts and circumstances of the case as this Honble Court may deem fit and proper and to pass.

IA NO: 1 OF 2018

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased

IA NO: 2 OF 2018

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to direct the Registrar (Judicial) of this Honble Court to en-cash the Demand Draft bearing number 053200 dated 26-10-2018 drawn in favour of Registrar (Judicial) High Court of Judicature at Hyderabad for INR 98,61,515.42/- (Rupees Ninety Eight Lakh Sixty one Thousand Five Hundred Fifteen and Paise Forty two only) and deposit it an interest bearing Fixed Deposit Account and further order and direct release of the Defendant No. 1

vessel presently lying at Krishnapatnam port under arrest and also directing port, Customs and other concerned authorities to act on a copy of this order served by Email, Fax and pass

Counsel for the Petitioner: N ASHWANI KUMAR

Counsel for the Respondents: S.V.S.S.SIVA RAM

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

ORDER:

None appeared for the plaintiff. Learned counsel for the defendants is present.

2. On 03.11.2025, there was no representation for the plaintiff. Though the matter was listed on 12.11.2025 and 19.11.2025 there was no representation on behalf of the plaintiff.

3. On 11.12.2025, learned counsel for the plaintiff reported no instructions and requested to discharge him from prosecuting the matter.

4. Today, when the matter is taken up for hearing, none appeared on behalf of the plaintiff. It seems that the plaintiff has no interest in prosecuting the matter.

5. Accordingly, the Commercial Suit is dismissed for non-prosecution. However, if the plaintiff still intends to prosecute the matter, he is at liberty to file an appropriate application seeking restoration of the suit by assigning cogent reasons for his non-appearance.

6. Learned counsel for the defendants further submits that, pursuant to the interim order dated 13.10.2018 directing the defendants to deposit the maritime claim amount of Rs.1,00,15,495/-, the said amount was duly deposited with the Registry. It is further submitted that the amount has been kept in an interest-bearing fixed deposit with a nationalized bank and learned counsel for the defendants seeks to refund of the same.

7. In view of the dismissal of the Commercial Suit for non-prosecution owing to the non-representation on behalf of the plaintiff, the Registry is directed to retain the deposit for a period of ninety (90) days. If any application for restoration of the suit is filed within the said period, the deposit shall continue to remain in the interest-bearing fixed deposit until the disposal of the restoration application and, if the suit is restored, until the final disposal of the suit. In the event that no such application is filed within the said period, the Registry shall disburse the deposited amount to the defendant. No costs.

Consequently, miscellaneous petitions if any, shall stand closed.

Interim orders granted earlier if any, also shall stand closed.

_____

JUSTICE BALAJI MEDAMALLI

Dated: 20.07.2026

M K K

183

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

Commercial Suit No.02 of 2018

Date: 20.07.2026

M K K