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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-02-2026

CORAM

**THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN
AND
THE HON'BLE MR.JUSTICE K.KUMARESH BABU**

**APPEAL(CAD) No. 40 of 2024
and
C.M.P.No.21496 of 2024**

The Board Of Trustees
of the Chennai Port Trust,
Rep. by its Chairman,
Rajaji Salai, Chennai 600 001.

.Appellant

Vs

1. M/s. Priya Limited having their
Registered Office at
Podar Chamber, 4th Floor,
109, S.A. Brelvi Road, Fort,
Mumbai 400 001
and carrying on business among other places
through their Branch Office at
No.6, Jayammal road, Teynampet,
Chennai 600 018 herein rep. by their
Subrogee/Power Agent
The New India Assurance Co. Ltd.,
Divisional Office No.112000,
Asian Building III Floor,
17, R.K. Marg, Bellard Estate,
Mumbai - 400 038.
2. M/s.Maersk Sealand/Maersk Taiwan Ltd.,
Owning M.V.Marstal Maersk,
rep. by Owner's Subsidiary/Steamer Agents
Maersk (India) Ltd.,
having their Branch Office at
Prince Towers, First Floor,
25/25 College Road, Chennai - 600 006.
(present address



M/s.Maersk Line India Pvt. Ltd
6th Floor, Tower-1,
Prestige Zackria Metropolitan
200/1-8, Anna Salai, Chennai - 600 002.

3. M/s. Senthil Kumar Transport
Carrier For reward
having their principal place of business at
No.15/8, III Floor,
Thambu Chetty Street,
Chennai - 600 001.

..Respondents

Appeal filed under Section 13 of Commercial Court Act to set aside the judgement and decree dated 08.12.2022 made in COS No.505 of 2022 and passed by the District Judge, Commercial Court at Egmore.

For Appellant: Mr.K.Lavan

For Respondents: Mr.Nageswaran for R1
Mr.Bijai Sundar for R2

JUDGMENT

(Judgment of the Court was delivered by C.V.Karthikeyan J.)

A joint memo dated 24.02.2026 duly signed by the learned counsel for the appellant/3rd defendant and the learned counsel for the first respondent/plaintiff had been filed contending as under:-

“It is humbly submitted that the Suit claim in respect of the above Appeal has been mutually resolved and settled, between the 1st respondent/plaintiff and the 2nd respondent/1st defendant, in respect of the decree passed in the suit against the Appellant and 2nd and 3rd Respondents/Defendants.



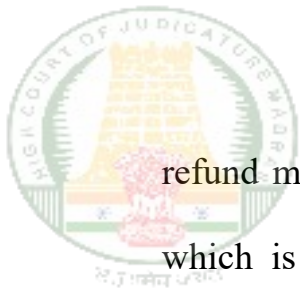
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In view of the settlement arrived at, the Appellant/3rd defendant is not prosecuting the appeal and the same is withdrawn. In the light of such withdrawal, it is prayed that this Honorable Court may be pleased to order refund of the entire court fee paid by the Appellant/3rd Defendant, subject to statutory deductions by issuance of a cheque/transferring the amount directly to the account of the Appellant/3rd Defendant namely the Chairman, Chennai Port Authority.

*It is humbly submitted that this refund of court fee is sought for in the light of the Judgement of the Honorable Supreme Court reported in 2021 (3) SCC Pg 560 in the matter of **High Court of Judicature at Madras Rep. by Registrar General Vs. M.C.Subramaniam and others**, wherein it was held in similar circumstances and facts, that the Appellant is entitled to the refund of the full Court fee paid in the appeal.*

It is hence prayed that this Honorable Court may be pleased to pass suitable orders on this memo as prayed for above and render justice. “

2. Learned counsel for the appellant and the respondent are present. The said memo is recorded. In view of the same, this Appeal is dismissed as settled out of court. The Appellant shall be entitled to refund of court fee as per Section 69A of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955. Such



refund may be made to the account of the Chairman, Chennai Port Authority, which is the new name of Chennai Port Trust. No costs. The connected miscellaneous petition is closed.

(C.V.K.,J.) (K.B.,J.)
24-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

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APPEAL(CAD) No. 40 of 2



**C.V.KARTHIKEYAN, J.
AND
K.KUMARESH BABU, J.**

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