

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2016

CORAM :

THE HON'BLE MR. JUSTICE M.M. SUNDRESH

C.S.No.410 of 2016
and
A. No. 3242 of 2016

1. Mr. Truong Minh Kiem
2. Mr. Tran Gia Phong
3. Mr. Mai Ngoc Lam
4. Mr. Vu Van Tuan
5. Mr. Tran Xuan Thuy
6. Mr. Le Kha Dao
7. Mr. Bui Quoc Truong
8. Mr. Tran Van Duoc ... Plaintiffs

vs

Owners and Parties interested
in the Vessel MV Ocean 39
now lying at the Port of Tuticorin
represented by its Master ... Defendant

Plaint filed under Order XLII Rules 1, 2 and 3 of the Original Side
Rules r/w Order VII Rule 1 of C.P.C.

For Plaintiffs .. Mr.S. Vasudevan

JUDGMENT

This matter is listed today, on the request made by the learned counsel for the plaintiff.

2.Learned counsel for the plaintiffs submitted that the suit may be dismissed as settled out of Court as the dispute has been amicably resolved between the parties. A further submission has been made that half of the court fee may be refunded in the name of the power of attorney holder of the plaintiffs, who in fact signed the pleadings. He has also made an endorsement to that effect.

3.In view of the above, the Civil Suit is dismissed as settled out of Court and the Registry is directed to refund half of the court fee to the Power of Attorney holder of the plaintiffs. No costs. Consequently, Application No.3242 of 2016 is also dismissed, making it clear that the defendant vessel gets released from the arrest and it is free to sail.

19.08.2016

Index:Yes/No
Internet:Yes/No

avr

Note: Registry is directed to issue release warrant today in favour of the learned counsel for the plaintiffs, as mandated under Order 42 Rule 18 of the Madras High Court Original Side Rules.

To

The Sub Assistant Registrar,
Original Side,
High Court, Madras.

M.M.SUNDRESH, J.

C.S.No.410 of 2016
and
A. No. 3242 of 2016

19.08.2016

A. Nos. 5826 & 5827 of 2015
in
E.P. No. 194 of 2004

M.M.SUNDRESH J.,

After hearing the arguments, this Court suggested two methodology to the Judgment Debtor. One is to make division of the property, for the purpose of effecting sale to the extent of satisfying the liability to the appellant and the bank. The second option is to go for the sale of the entire suit property to ascertain the value and then decide the further course of action. Learned counsel appearing for the Judgment Debtor seeks time to get instructions in this regard. Post on 30.08.2016 "for orders".

2. In the meanwhile, it is open to the Judgment Debtor to have a discussion with the Bank on the question of damages payable, to resolve the dispute between them.

18.08.2016

avr