

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2016

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

C.S.No.29 of 2013
and A.Nos.2264 to 2266 of 2016

Shishir Gupta
Proprietor
Spencer Corporation,
6, Tansen Marg, Bengali Market,
Delhi 110 001

... Plaintiff

Vs

1. Orchid Shipping Pvt.Ltd
through its Chairman / Managing Director
6th Floor, KRD Gee Gee Crystal,
91/92, Dr.Radhakrishnan Salai,
Chennai 600 004
2. Yogesh Khatau Parekh
Director of Orchid Shipping Pvt.Ltd.
Anchorage near Amarnath Patil Ground,
Off.Govandi Station Road,
Govandi East,
Mumbai - 400 088
3. Suresh Joseph
Branch Head
Orchid Shipping Pvt.Ltd
6th Floor, KRD Gee Gee Crystal,
91/92, Dr.Radhakrishnan Salai,
Chennai 600 004

4. Maersk Line India Pvt.Ltd
25/26, Prince Towers, 1st Floor,
College Road, Nungambakkam,
Chennai 600 006
 5. World Ocean Line
Represented by
SAR Transport Systems Pvt.Ltd
Ubai Mehboob Residency,
Flat No.2D, IInd Floor,
Nos.31 and 32 Maracoir Labbai Street,
Chennai 600 001.
 6. Allseas Global Logistics
Represented by
Allseas Global Logistics (India) Pvt.Ltd,
Old Oriental Building,
I Floor, 51-71, M.G.Road,
Hutatma Chowk, Mumbai 400 001.
 7. Indian Corporate Business Centre Limited
126/21, Vaikadu Village,
Ponneri High Road,
Chennai 600 103
- ...Defendants

Plaint filed under Order IV Rule 1 of the Madras High Court Original Sides Rules, 1956, read with Order VII Rule 1 of the Code of Civil Procedure 1908, praying to pass a judgment and decree jointly and severally against the defendants (a) declaring that the plaintiff is entitled to get released and take delivery of the cargo / consignment being heavy melting scrap of 240.540 metric tons contained in 16 containers vide Bills of Lading No.Ex.117595 dated 13.02.2012 and Ex.118324 dated 07.05.2012 now lying at the Chennai Sea Port in the container freight station, without payment of

any detention / demurrage charges by the plaintiff (b) a consequential mandatory injunction in favour of the plaintiff directing the defendants, its agents, men, agents acting under the defendants, defendants' assigns and / or anybody / any entity claiming through them or acting through / under them in any manner to do all that is required including execution of documents for the plaintiff to get released and take delivery of the cargo / consignment being heavy melting scrap of 240.540 metric tons contained in 16 containers vide Bills of Landing No.Ex.117595 dated 13.02.2012 and Bill of Lading No.Ex.118324 dated 07.05.2012 now lying at the Chennai Sea Port, in the Container Freight Station, without insisting on payment of any detention / demurrage charges by the plaintiff and (c) a direction to the defendants to pay the costs of this suit.

For Plaintiff : Mr.K.Ashok Kumar

For Defendants 1 to 3 : Mr.Bijay Sundar

For Defendant-4 : Mr.V.Aravamudan

JUDGMENT

The learned counsel for the plaintiff seeks permission of this Court to withdraw the suit and he has also made the following endorsement.

"As per the instruction of the plaintiff through email, this Hon'ble Court may please permit the plaintiff to withdraw the suit."

PUSHPA SATHYANARAYANA.J

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2. In view of the endorsement made by the learned counsel for the plaintiff, the Civil Suit is dismissed as withdrawn. No costs. Consequently, connected applications are closed.

21.10.2016

srn

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