

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:13.12.2017

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

C.S.No.107 of 2015**&****A.No.903, 1202, 1225, 1226, 1224, 1648 and 1597 of 2015**

M/s.NTC Logistics (P) Ltd.,
 Regd. Office 'NTC Towers'
 No.97 (Old No.47)
 Linghi Chetty Street
 Chennai – 600 001
 Rep. by its Director
 Mr.Rajasundaram

.. Plaintiff

Vs.

Owners and Parties interested in the
 Vessel M.V.Sevastopol,
 now lying at the Port of Mumbai, India
 (Amended as per order dated 24.02.2015
 in Application Nos.1201 and 1202 of 2015)

.. Defendant

This Civil Suit is preferred, under Order XLII Rule 1, 2 and 3 of the O.S.Rules read with Order VII Rule 1 of the Code of Civil Procedure praying for a judgment and decree against the defendant for a sum of Rs.1,43,70,300/- (Rupees One Crore Forty Three Lakhs Seventy Thousand and Three Hundred only) together with interest @ 24% p.a from this date till date of realization in full, for arrest and sale of the defendant vessel M V SEVASTOPOL in as is where is condition presently in Indian waters at the Port of Mumbai, India, for a direction to adjust the sale proceeds of the defendant vessel M V SEVASTOPOL against the suit claim and for costs of the suit.

For Plaintiff : Mr.S.Vasudevan

For Defendant : Ms.Anitha
for M/s.V.J.Mathew and Co.

JUDGMENT

Mr.S.Vasudevan, learned counsel on record for the plaintiff is before the Court.

2.Learned counsel for plaintiff submits that this suit has been laid in the admiralty jurisdiction of Original Side of this High Court. On this basis, Mr.Vasudevan submits that this suit qualifies to be heard by this Commercial Division under sub-section (iii) of Section 2(1)(c) of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 (4 of 2016), (hereinafter referred to as Act 4 of 2016). The value of the suit is over 1.43 crores and therefore, the suit qualifies qua 'Specified Value' under Section 2(1)(i) r/w.Section 12 of Act 4 of 2016. Therefore, this is a suit relating to 'Commercial Dispute' of 'Specified value' and therefore, this Commercial Division has jurisdiction to entertain the suit in the light of Section 7 of Act 4 of 2016.

3. This Commercial Division expresses its intention to exercise jurisdiction over this suit. To be noted, jurisdiction is inherent. This is an expression of intention to exercise such jurisdiction in the light

of the submissions made supra. On exercising jurisdiction over the suit, Mr.Vasudevan was heard on the merits of the matter. Mr.Vasudevan submits that the suit has been settled out of Court and that the suit can be dismissed as settled out of Court.

4. Mr.Vasudevan also makes a plea regarding refund of Court fee and submits that he is entitled to refund of Court fee in the light of Section 69A of Court Fees and Suits Valuation Act. His request is acceded to.

5. Registry shall process the refund of Court fee by way of a issue of cheque in the name of the plaintiff i.e., M/s.NTC Logistics (P) Ltd.,

6. In result, the suit is dismissed as settled out of Court. Applications are closed in the light of suit being dismissed as settled out of Court. No costs. Consequently, the connected applications are closed.

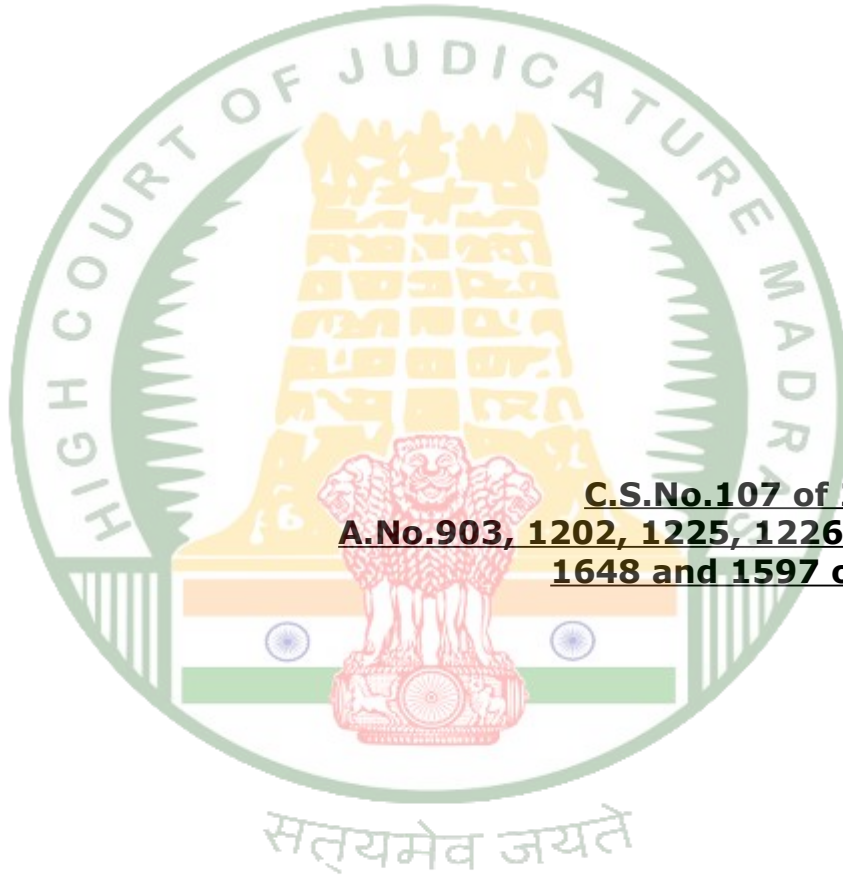
13.12.2017

Speaking/Non-Speaking order

Index : Yes/No

M.SUNDAR, J.

gpa



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1648 and 1597 of 2015**

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