

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **19.01.2017**

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

C.S.No.636 of 2009

Mr.Bhattacharya Animesh

... Plaintiff

Vs

Owners and Parties Interested in the Vessel

MV Gati Prestige,

Now Lying at the Port of Chennai

Tamil Nadu, Rep. By its Mater

... Defendant

Prayer : Complaint filed under Order XLII Rule 1, 2 & 3 of the O.S. Rules read with Order VII Rule 1 of Civil Procedure Code, praying for the following judgment and decree against the defendants.

- (a) For a sum of US \$ 32,004.68 equivalent to Rs.15,42,625.80 calculated as per the prevailing exchange rate at 1 US \$ = INR 48.20 Indian Rupees with interest at the rate of 24% p.a. from the date of this Complaint till date of realisation or such higher sum of Indian Rupees equivalent to the exchange rate prevailing on the date of the Judgment

whichever is higher.

(b) For arrest and sale of the Defendant Vessel MV GATI PRESTIGE in as is where is condition, presently in Indian Waters at Port of Chennai, Tamil Nadu.

(c) For a direction to adjust the sale proceeds of the Defendant Vessel MV GATI PRESTIGE against the suit claim as well as for actual cost of repatriation with interest and costs.

(d) And for costs of this Suit.

For Plaintiff : Mr.Abdul Quddhose

For Defendant : Mr.JP. Karunakaran

J U D G M E N T

In view of the endorsement made by the learned counsel for the plaintiff as follows:

“Suit may be dismissed as settled out of Court.

Refund of half Court fee may be ordered”.

2. Recording the endorsement made by the learned counsel appearing for the plaintiff, this suit is dismissed as withdrawn. The Registry is directed to refund half of the Court fees in accordance with Court Fee Rules to Mr.Abdul Quddhose, learned counsel for the plaintiff.

19.01.2017

jv

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

C.V.KARTHIKEYAN, J.

jv

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