

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 28TH DAY OF MARCH 2018

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

A.NO.1580 of 2018

in

C.S.No.21 of 2018

M/s. Legend Maritime Private Ltd
12/9, Krishnan Koil Street
Phase -1, 6th Floor,
Seaview Towers,
Chennai 600 001
Rep.by its Director Mr.R.Saravanan

...Applicant/Plaintiff

-vs-

Owners and parties interested in the
Vessel HOPPER BARGE SRIMANGUESH II
presently lying at the Port of Chennai
and is represented by its Master

...Respondent/Defendant

Application praying that this Hon'ble Court be
pleased to appoint an Advocate Commissioner with a
direction to him to sell the Defendant Vessel HOPPER BARGE
SRIMANGUESH II in 'as is where is condition' as per the
terms and conditions.

This Application coming on this day before this court
for hearing the court made the following order:-

This Court had perused the report of the learned Master, filed with regard to bid amount quoted by the bidders. The learned Master had stated that, Eastern Navigation Private Limited is the highest bidder in the sale, who had quoted for Rs.90,00,000/-. The other participants did not come forward to increase the bid. Consequently, this Court hereby confirms the sale in favour of the Eastern Navigation Private Limited, having office at 2nd Floor, Block - D, Mercantile Building, 9/12, Lal Bazar Street, Kolkata - 700 001.

2. One of the conditions to participate in the tender was that the intended purchasers have to furnish a demand draft for Rs.20,00,000/- as EMD. The Advocate Commissioner in his memo sought permission of this Court, to open an account in the Indian Bank, High Court Branch, in his name, for encashment of EMD. The permission is granted. The Advocate Commissioner is to remember that he is an officer of the Court.

3. The Branch Manager of the Indian Bank, is directed to assist the Advocate Commissioner to open such account for depositing the demand draft of Rs.20,00,000/- furnished by Eastern Navigation Private Limited.

4. In the earlier order, while directing sale of the vessel, this Court has also given further conditions to be complied with by the successful bidder who has been accepted and confirmed by this Court. The Advocate Commissioner requests the Court, to direct the successful bidder, namely, Eastern Navigation Private Limited, to comply with the further conditions, namely, to pay 25% of the bid amount within 3 days and the remaining amount within 15 days.

5. The Advocate Commissioner is permitted to address letters in this regard and on receipt of the amount, deposit the same in the account now permitted to be opened in Indian Bank.

6. Call the matter once again on 20.04.2018. The Advocate Commissioner is to be paid an initial remuneration of Rs.25,000/- which the plaintiff can deduct later from the sale proceeds.

7. The registry is directed to return the demand draft for Rs.20,00,000 provided by the successful bidder to the

Advocate Commissioner on proper acknowledgement. The expenses incurred as mentioned by the Advocate Commissioner may be adjusted after receipt of the entire sale consideration.

Sd/.C.V.K.J

28.03.2018

//Certified to be a true copy//
Dated this the day of 2018

JJ 25/04.2018

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.