

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.10.2018

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

C.S.No.724 of 2015
and A.No.5927 of 2015

Mr.R.Kannan
Sole Proprietor of M/s.Kabilan Agency
No.56m Venkatesa Street
Chindadripet, Chennai - 600 002. .. Plaintiff

Vs.

M/s.Amet Shipping India Pvt. Ltd
Represented by J.Ramachandran
5107, 11th Avenue
Anna Nagar, Chennai - 600 040. .. Defendant

This Civil Suit is preferred, under Order VII Rules 1 and 2 of Civil Procedure Code read with Order IV Rule 1 of O.S. Rules praying to

- a) direct the defendant to pay the plaintiff a sum of Rs.1,00,47,089/- towards the balance amount covered under the invoices along with its corresponding interest of Rs.48,22,602/- at the rate of 24% per annum to be calculated from 12.07.2013, in all a sum Rs.1,48,69,691, till date of plaint and together with corresponding interest at 24% per annum for the above total due from the date of plaint till the date of realization;
- b) direct the defendant to pay the costs of the suit to the plaintiff; and
- c) pass such further or other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Plaintiff : Mr.M.Ravindhar

For Defendant : Mr.Jothi

JUDGMENT

Mr.Ravindhar, learned counsel on record for sole plaintiff is before this Commercial Division.

2. Mr.Jothi, learned counsel appearing on behalf the counsel on record for the sole defendant is before this Commercial Division.

3. Be that as it may, learned counsel for plaintiff submits that plaintiff has given instructions for withdrawal of this suit. Saying so, learned counsel has made an endorsement in the suit file, which

reads as follows:

'Suit may be withdrawn as dismissed. May be refund of entire Court fee.

(s/d)

Counsel for plaintiff'

4. Reiterating the aforesaid endorsement, learned counsel seeks refund of Court fee as per applicable Rules, by way of an instrument in favour of the plaintiff.

5. There is no dispute or disagreement between both sides that trial has not commenced in the instant case. Registry to process refund of Court fee, as per applicable Rules in the aforesaid scenario.

6. In the light of the narrative supra, the instant suit is dismissed as withdrawn. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

23.10.2018

Speaking/Non-Speaking order

Index : Yes/No

vsm

M.SUNDAR, J.

vsm

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