

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2018

CORAM:

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

C.S. No. 978 of 2017

M/s.Admiral Marine Services Private Limited ... Plaintiff

..Vs..

Owners and parties interested in the vessel
M.V.LEWEK FULMAR now lying at the Port
of Kakinada, Andhra Pradesh State and
is Represented by its Master. ... Defendant

For Plaintiff : M/s.S. Vasudevan

For Defendant : No Appearance.

सत्यमेव जयते

PRAYER : Plaint has been filed Under Order XLII Rule 1, 2 & 3 of O.S. Rules read with Order VII, Rule 1 of Civil Procedure code, (a). for a sum of Rs.41,72,042/- (Rupees Forty One Lakhs Seventy Two Thousand and Forty Two Only) together with interest @ 24% p.a., from date of Plaint till date of realization in full, (b). for arrest and sale of the Defendant Vessel M.V.LEWEK FULMAR in as is where is condition, presently in Indian waters at the Port of Kakinada, Andhra Pradesh State, India, (c). for a direction to adjust the sale proceeds of the Defendant Vessel M.V.LEWEK FULMAR against the suit claim; (d). for

costs of this Suit and (g).for such other or further reliefs as this Court may seem fit and proper in the circumstances of the case.

J U D G M E N T

Very fortunately and particularly with the assistance of the learned Counsel for the plaintiff and also with the co-operation of the defendant, the entire issues in the suit had been settled.

2. Recognizing that, the learned Counsel for the Plaintiff, Mr.K.Krishnaswamy has made an following endorsement in the Plaint.

"Suit may be dismissed as settled out of Court and refund of Court fees may be ordered. The arrest Order may kindly be lifted and ship permitted to sale"

3. In accordance with the endorsement, the suit in C.S.No.978 of 2017 is dismissed as settled out of Court. The plaintiff is entitled for refund of the entire Court fees in accordance with rules.

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4. The Order of arrest of the vessel M.V.LEWEK FULMAR is lifted and the vessel is permitted to sale from the Port of Kakinada where she is now berthed.

5. The release Order form is to be handed over to the learned Counsel for the plaintiff.

6. Suit in C.S.No.978 of 2017 is dismissed as settled out of Court and refund of Court fees is ordered. Consequently, connected application is closed.

02.01.2018

Index : Yes / No

Web : Yes / No

ksa

Registry is directed to issue Release Order Form to the learned Counsel for the Plaintiff, today on 02.01.2018.

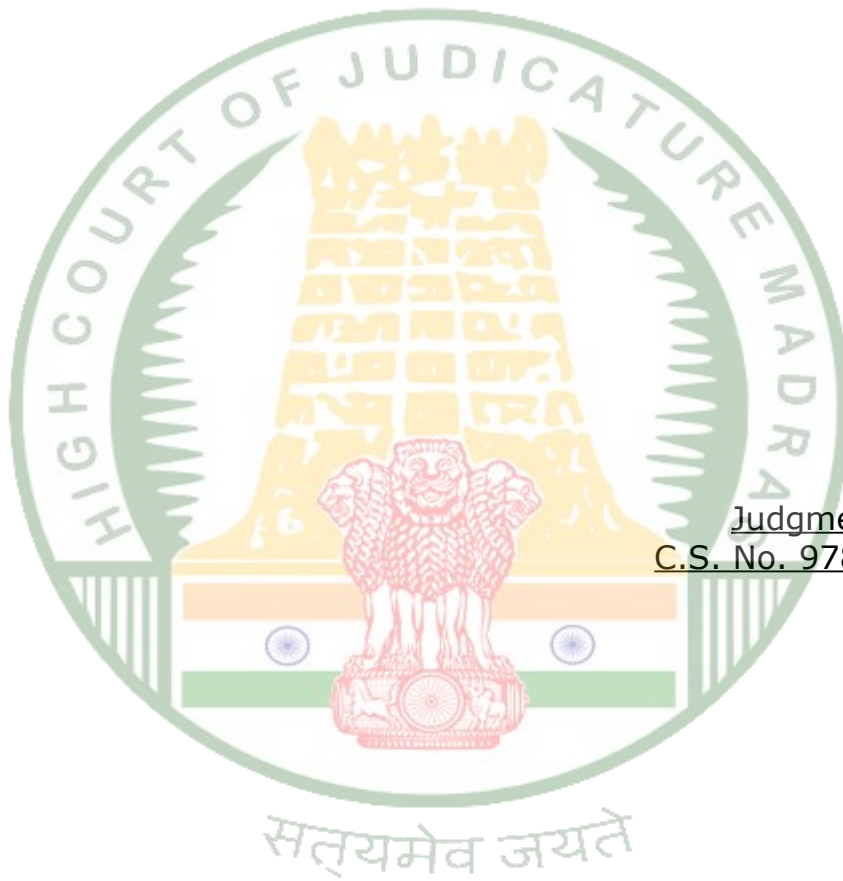
सत्यमेव जयते

Note to Office : Issue copy of Order today on 02.01.2018

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C.V.KARTHIKEYAN, J

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Judgment in
C.S. No. 978 of 2017

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02.01.2018