

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.06.2018

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THE HON`BLE MR.JUSTICE N.SATHISH KUMAR

C.S.No.72 of 2018

&

A.Nos.1030 of 2018, 884 of 2018 & 907 of 2018

Mr.Kumar Alangaram Fernando

.. Plaintiff

vs.

Owners and Parties interested
in the vessel MV ZIM XIAMEN presently
lying at the Port of Kattupallai,
Chennai – 600 120, Tamilnadu
and is represented by its Master

... Defendant

Civil Suit filed under Order XLII Rule 1, 2 and 3 of Original Side
Rules 1956 read with Order VII Rule 1 CPC praying for the following
judgment and decree against the defendant.

a) For a sum of Rs.1,0,83,846/- (Rupees one Crore Four Lakhs
Eighty Three Thousand Eight Hundred and Forty Six only) together with
interest @ 18% p.a. from this date till date of realization in full;

b) For arrest and sale of the defendant Vessel MV ZIM XIAMEN in as is where is condition, presently in Indian waters at the Port of Kattupalli, Chennai, India;

c) for a direction to adjust the sale proceeds of the defendant Vessel M V ZIM XIAMEN against the suit claim;

d) costs of the suit;

For Plaintiff : Mr.S.Vasudevan

For defendant : Mr.K.Mukund Rao

JUDGMENT

The learned counsel for the plaintiff submitted that the suit has been settled out of Court and had also made necessary endorsement to that effect.

2. The learned counsel for the defendant submitted that during the pendency of the suit a sum of Rs.1,07,16,049.46 has been deposited and the same along with accrued interest may be returned to M/s.James Mackintosh & Co. Pvt. Ltd.

3. Accordingly, the suit is dismissed as settled out of Court and the registry is directed to refund the Court Fee as per Law to the plaintiff. The sum of Rs.1,07,16,049.46 already deposited with the accrued interest, less the Government commission and audit fees, is ordered to be returned to M/s.James Mackintosh & Co. Pvt. Ltd. with a direction to remit the amount to the owners with the permission of the Reserve Bank of India. Consequently, the connected applications are closed.

25.06.2018

vrc

Note : Issue judgment copy today (25.06.2018)



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N.SATHISH KUMAR, J.

vrc



C.S.No.72 of 2018

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