

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.S.No.379 of 2014
and A.No.3656 of 2014

M/s.Mohan Mutha Exports Pvt. Ltd.,
No.961, Siyat House,
Poonamalle High Raod,
Purasawalkam,
Chennai - 600 084,
Rep. by its General Manager,
Mr.Sacheen Shroff. ... Plaintiff

Vs.

Owners and parties interested in the
Vessel M V HOA NAM now lying at the
Port of Tuticorin and is represented
herein by its Master. ...Defendant

PRAYER: Plaint filed under Order XLII Rule 1, 2 & 3 of the O.S.Rules read with Order VII Rule 1 of C.P.C, praying to pass judgment and decree against the defendant:-

- a) for a sum of US \$ 75,561.25 equivalent to INR 45,33,675 together with interest at the rate of 24% p.a. on Rs.45,33,675/- calculated at 1 US \$ = 60.00 from the date of this Plaint till date of realization 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 M V HOA NAM, in as is where is condition, presently in Indian Waters at the Port of Tuticorin or wherever available within the territorial waters of India;
- c) for a direction to adjust the sale proceeds against the amount due to the plaintiff towards its claim in prayer (a) above; and
- d) for costs of this suit.

For Plaintiff : Mr.S.Vasudevan

J U D G M E N T

When the matter is taken up for hearing today (17.09.2018), the learned counsel appearing for the

plaintiff submitted that the matter has already been settled out of Court and therefore, the present suit may be dismissed. To that effect, he has also made an endorsement in the bundle.

2. Recording the above submissions and the endorsement made by the learned counsel appearing for the plaintiff, this Civil Suit is dismissed as settled out of Court. There shall be no order as to costs. Consequently, connected application is also closed.

3. Registry is directed to refund the Court fee as per Rules.

17.09.2018

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M. GOVINDARAJ, J.

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