

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 17th DAY OF SEPTEMBER 2018

THE HON'BLE MR. JUSTICE M.SUNDAR

A.No.7029 of 2018

in

C.S.NO.543 of 2018

Viceroy Exports (India) Pvt Ltd.,
No.55/56, Bakir Abdul Hussain Mansion,
3rd Lane, North Beach Road, Chennai 600 041
represented by its Manager,
Mr.Shijulal ...Applicant/Plaintiff

-vs-

Owners and Parties interest in the Vessel
M.V.MAERSK GANESH,
Presently within territorial waters
of India, in Chennai Port limits
and rep.by her Master

2.Maersk Line,
A/s.
Esplanaden 50
DK 1263 Copenhagen K,
Denmark

...Respondents/Defendants

This Application praying that this Hon'ble Court
be pleased to allow the Applicant / Plaintiff to amend the
plaint by incorporating Para 28 (A) after Para 28 as "The
paintiff states that the subject matter of the present suit
is a commercial dispute as designed under 2(1)(c)(ii),
(iii) and is of specified value is defined in section
2(1)(i) read with section 12 of the act 4 of 2016 and falls
under first proviso of section 7 act 4 of 2016.

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

There is one plaintiff in the main suit. There are two defendants in the main suit. Sole plaintiff in the main suit is lone applicant herein. Defendants 1 and 2 in the main suit are respondents 1 and 2 respectively in the instant application.

2. Parties in this application are referred to by their respective ranks in the main suit, for the sake of convenience and clarity.

3. Mr. K. M. Anand, learned counsel on record for plaintiff and Mr. P. Giridharan, learned counsel representing both the defendants, are before this Commercial Division.

4. Though the main suit was presented on 03.08.2018, post practice note for Commercial Division of this Court being Notification No. 48 of 2018, dated 31.01.2018, a dedicated paragraph regarding jurisdiction of Commercial Division has not been set out in the plaint.

5. This was pointed out when the suit was moved.

6. Faced with the above situation, learned counsel for the plaintiff has taken out the instant application *inter alia* under Order VI Rule 17 of 'The Code of Civil Procedure, 1908' ('CPC', for brevity) seeking amendment of the plaint. Amendment sought for is for introducing one dedicated paragraph. The prayer in this application reads as follows:

'...Why this Hon'ble court may please to allow the Applicant/Plaintiff to amend the plaint by incorporating Para 28 (A) after Para 28 as "The plaintiff states that the

subject matter of the present suit is a commercial dispute as designed under 2(1)(c)(ii),(iii) and is of specified value as defined in section 2(1)(i) read with section 12 of the act 4 of 2016 and falls under first proviso of section 7 of act 4 of 2016....'

7.Mr.P.Giridharan, learned counsel appearing on behalf of both the defendants, very fairly submits that he has no serious opposition or objection to this application.

8.In the light of the narrative supra, this application is ordered as prayed for.

9.Plaintiff shall carry out necessary and consequential amendments in the plaint within a fortnight, i.e., by 01.10.2018.

Application is ordered as above.

Sd./- M.S.J.

17.09.2018

//Certified to be true copy//

Dated at Madras this the day of 2018.

सत्यमेव जयते COURT OFFICER (O.S.)

KY/18.09.2018

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