

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2019

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.S.No.19 of 2004

FEMNOR Mineral (India) Ltd. ... Plaintiff

.Vs.

1. V.Selvaraj
2. Senthil
3.B.S.Nawab
4.Fiza Developers
5.Sheriff
6.Worldwide shipping
7.New Mangalore Port Trust
8.Hiralal Shipping Pvt. Ltd., ... Defendants

(Suit against D1, D5 to D8
was dismissed by the learned
Master on 06.04.2015)

PRAYER: Plaint under Order IV Rule 1 of O.S.Rules r/w Order VII Rule 1 of Civil Procedure Code praying for a Judgment and Decree against the defendants (a) directing the defendants 1 to 5 to return back the 15,000 Mts. of iron ore fines which they have high-handedly and illegally removed from the yard of the plaintiff at

Abbige, at their cost, within a time to be fixed by this Hon'ble Court, or, in the alternative, directing the defendants 1 to 5 to pay the plaintiff a sum of Rs.1,00,00,000/- (Rupees one crore only), together with interest at the rate of 24% per annum from the date of plaint till date of realisation; (b) for a permanent injunction restraining the defendants, their agents, servants and men and everyone claiming under them and acting on their behalf from, in any way, exporting or allowing the export of the said 15,000 Mts. of iron ore fines, by loading and transporting the same by any ship through the Mangalore Port Trust or any other port, without refunding to the Plaintiff the sum as aforesaid of Rs.1,00,00,000 (Rupees One Crore only) together with interest at the rate of 24% per annum from the date of plaint till the date of realisation. (c) directing the defendants to pay the cost of the suit; and (d) grant such other suitable relief or reliefs as this Court deems fit and proper.

For Plaintiff : Mr.B.Natarajan

सत्यमेव जयते
J U D G M E N T

On the earlier occasion i.e, on 08.07.2019, when the matter was taken up for hearing, the learned counsel appearing for the Plaintiff submitted that they have sent a letter to the Plaintiff seeking instructions, which was returned with an endorsement 'Deceased' and therefore requested for time to implead the legal

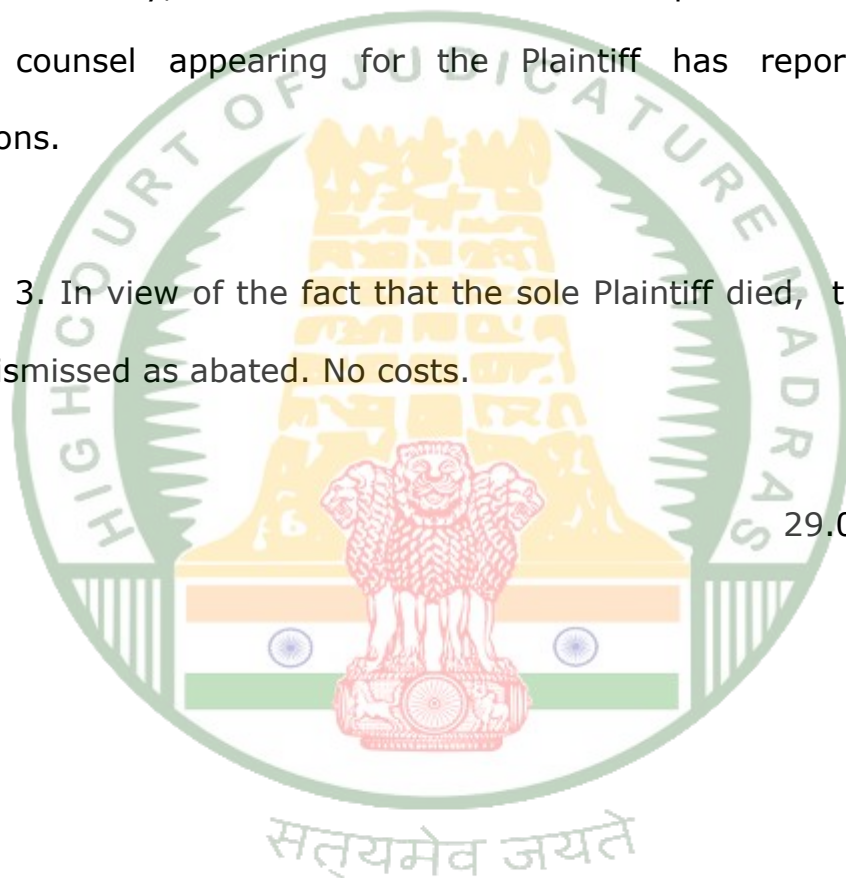
representatives of the Plaintiff. Considering his request, the matter was adjourned today.

2. Today, when the matter is taken up for hearing the learned counsel appearing for the Plaintiff has reported no instructions.

3. In view of the fact that the sole Plaintiff died, this Civil Suit is dismissed as abated. No costs.

29.07.2019

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KRISHNAN RAMASAMY,J

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