

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2019

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR, J.

C. S. No.74 of 2015  
and  
A. Nos. 20, 21 of 2016  
and  
A. No. 4982 of 2015

Chugoku Marine Paints  
(Singapore) Pte.Ltd.,  
A company incorporated under the laws  
of Singapore and having their office  
at 22, TUAS Street,  
Singapore-638 459,  
Represented by its Power of Attorney Agent,  
Joseph Cherian.

... Plaintiff

..Vs..

1. The Owners and Parties interested  
in the Vessel "M.V.Gem of Ennore,  
now lying at the Port of Ennore,  
represented by its Master.

2. West Asia Maritime Limited,  
"Buhari Towers", 6<sup>th</sup> Floor,  
No.4, Moores Road,  
Chennai-600 006.

...Defendants

**Prayer:**      Plaint filed under Order VII Rule 1 CPC and Order XLII of  
Original Side Rules praying to pass a judgment and decree against the  
defendants as follows:

a. For a sum of Rs.2,47,87,721/- (Rupees Two Crores Forty Seven Lakhs Eighty Seven Thousand Seven Hundred and Twenty One only), equivalent to US\$ 391,529.33 (United States Dollars Three Lakhs Ninety One Thousand Five Hundred and Twenty Nine and Paise Thirty Three only) calculated at One US\$ = INR 63.31 as on 07.01.2015, or for such higher sum of Indian Rupees equivalent to US\$ 391,529.33 (United States Dollars Three Lakhs Ninety One Thousand Five Hundred and Twenty Nine and Paise Thirty Three only) calculated at the exchange rate prevailing on the “date of payment” to the plaintiff.

b. For interest at the rate of 15% per annum from the date of plaint fill realization.

c. Directing that the 1<sup>st</sup> defendant vessel M.V.Gem of Ennore presently lying within Indian Territorial Waters in the port of Ennore together with her Hull, Engine, Gears, Tackles, Machinery, Equipment, Stores, Articles, Apparel, Furniture and other paraphernalia be arrested and detained / restrained from leaving and / or sailing away from Indian Territorial Waters.

d. Decree for appraisal and sale of the vessel M.V.Gem of Ennore along with her Hull Engine, Gears, Tackles, Machinery, Equipment, Stores, Articles, Apparel, Furniture and other paraphernalia with a direction for payment of sale proceeds to the plaintiff in satisfaction of its claims.

For Plaintiff : Mr. S. Vasudevan

For Defendants : Mr. T. Poornam

## **ORDER**

It is submitted that the parties have settled the matter through the Mediation and an agreement is also reached between them.

2. Taking into consideration the above submission, this Court is inclined to pass the following order:

(i) The suit is disposed of, in terms of the joint memo of compromise entered into between the parties through Mediation.

(ii) The memo of compromise arrived at between the parties shall form part of the decree and judgment.

(iii) The parties are at liberty to receive the deposited amount in the ratio as mentioned in memo of compromise.

(iv) Accordingly, the Civil Suit is disposed of. Consequently, connected Applications are closed. No costs. Registry is directed to refund necessary Court fee as per rule.

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Index: Yes / No

Speaking order / Non-speaking order

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**N. SATHISH KUMAR, J.**

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