

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.08.2019

Coram

The Honourable Mr.Justice KRISHNAN RAMASAMY

C.S.No.786 of 2013

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1. M/s. Glints Global Pte Ltd.,
10, Anson Road, #14-01,
International Plaza,
Singapore - 079903
represented by its Power Agent,
Mr. M.Krishna Sreethar
2. PVM Golden Shipping Private Ltd.,
No.63-A, 1st floor, PPJ Tower,
Rajaji Salai,
Chennai - 600 001.
rep. by its Director,
Mr. V.Madhan Kumar
- ... plaintiffs

Vs.

1. EISA TRADING INC.
588, Millerway,
Milton, Ontario,
L9T 5G4, CANADA.
2. MEDITERRANEAN SHIPPING COMPANY,
(U.K.) LIMITED,
Medite House,
The Havens, Ipswich,
Suffolk IP3 PSJ,
United Kingdom.
3. MSC Agency (India) PVT. Ltd.,
1st Floor, KGN Towers,
No.62, Ethirajsalai,
Egmore, Chennai - 600 105.

4. SURYADEV ALLOYS AND POWER PRIVATE LTD.,
No.2 & 4, "Golden Enclave"4th floor,
184, P.H.Road,
Kilpauk, Chennai 600 010

... defendants

This Civil Suit has been filed under Order IV Rule 1 of O.S. Rules, 1956, r/w. Order VII Rule 1 CPC and prays for a decree and judgment against the defendants

a) Declaring that the plaintiffs are the absolute owners with right, title and interest in the cargo of 509.10 M.T. of steel scrap covered under the draft Bills of Lading Nos. MSCUFF288432 and MSCUFF288465 issued by the 2nd defendant which has arrived at the Port of Chennai by the vessel M.V.Buxhill and in the custody of the 2nd and 3rd defendants at Chennai Port pursuant to the Commercial Invoice of the first defendant dated 07.10.2013 consequently directing the defendants 1 to 3 to deliver to the plaintiffs possession of the Cargo of 509.10 M.T. of Steel Scrap covered under the draft Bills of Lading Nos.MSCUFF288432 and MSCUFF288465 issued by the 2nd defendant which has arrived at the Port of Chennai by the vessel M.V.Buxhill and in the custody of the 2nd and 3rd defendants at Chennai Port pursuant to the Commercial Invoice of the 1st defendant dated 07.10.2013.

b) for a permanent injunction restraining the defendants 1 to 3 from any way alienating, encumbering or delivering the Cargo of 509.10 M.T. of Steel Scrap covered under the draft Bills of Lading Nos. MSCUFF288432 and MSCUFF288465 issued by the 2nd defendant, which has arrived at the Port of Chennai by the vessel

M.V.Buxhill and in the custody of the defendants 2 and 3 at Chennai Port pursuant to the Commercial Invoice of the 1st defendant dtd 07.10.2013 to the 4th defendant or its nominee, men, agents or servants and the 4th defendant or its nominee, men, agents or servants from taking delivery of the Cargo from the defendants 2 and 3 and

(c) for costs of the suit.

For plaintiff : Mr. S. Vasudevan

For defendants : No appearance

JUDGMENT

The suit has been filed for the following reliefs :

a) Declaring that the plaintiffs are the absolute owners with right, title and interest in the cargo of 509.10 M.T. of steel scrap covered under the draft Bills of Lading Nos. MSCUFF288432 and MSCUFF288465 issued by the 2nd defendant which has arrived at the Port of Chennai by the vessel M.V.Buxhill and in the custody of the 2nd and 3rd defendants at Chennai Port pursuant to the Commercial Invoice of the first defendant dated 07.10.2013 consequently directing the defendants 1 to 3 to deliver to the plaintiffs possession of the Cargo of 509.10 M.T. of Steel Scrap

covered under the draft Bills of Lading Nos.MSCUFF288432 and MSCUFF288465 issued by the 2nd defendant which has arrived at the Port of Chennai by the vessel M.V.Buxhill and in the custody of the 2nd and 3rd defendants at Chennai Port pursuant to the Commercial Invoice of the 1st defendant dated 07.10.2013.

b) for a permanent injunction restraining the defendants 1 to 3 from any way alienating, encumbering or delivering the Cargo of 509.10 M.T. of Steel Scrap covered under the draft Bills of Lading Nos. MSCUFF288432 and MSCUFF288465 issued by the 2nd defendant, which has arrived at the Port of Chennai by the vessel M.V.Buxhill and in the custody of the defendants 2 and 3 at Chennai Port pursuant to the Commercial Invoice of the 1st defendant dted 07.10.2013 to the 4th defendant or its nominee, men, agents or servants and the 4th defendant or its nominee, men, agents or servants from taking delivery of the Cargo from the defendants 2 and 3 .

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2. The learned counsel appearing for the plaintiffs submitted that he sent an email on 29.07.2019 to the plaintiffs stating that since the Cargo has already been delivered to the new purchaser and instructed the clients to give appropriate permission to

withdraw the suit. After receipt of the said e-mail, the plaintiffs did not sent any reply to the learned counsel for the plaintiff.

3. The learned counsel for the plaintiffs further submits that the reliefs sought for in this suit are pertaining to the Cargo of 509.10 Metric Tonnes of Steel Scrap and the said Cargo was also sold by the Port Trust to mitigate the loss. Hence, the prayers have become infructuous.

4. In view of the submission made by the learned counsel for the plaintiffs, the Civil Suit is dismissed as infructuous. No costs.

mrp

Index : Yes/No

Internet: Yes/No

Speaking order /non speaking order

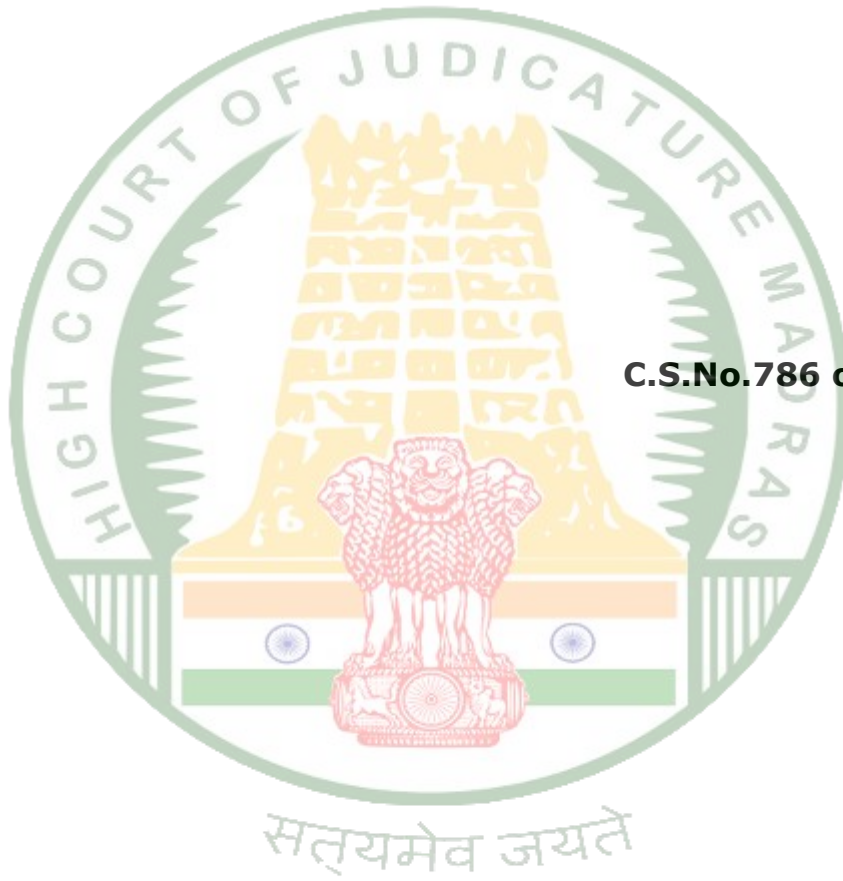
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KRISHNAN RAMASAMY, J.,

mrp



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