

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2019

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

C.S.NO.527 of 2016

ICICI Bank Limited,
Represented by its Chief Manager,
Mr.Rajesh Iyer,
having branch office at No.1, Cenotaph Road,
Chennai 600 018.

... Plaintiff

Vs.

1. West Asia maritime Limited,
Buhari Towers, 6th Floor,
No.4, Moores road, Chennai 600 006.

2. Four M.Maritime Private Limited,
Buhari Towers, 6th Floor,
No.4, Moores Road, Chennai 600 006.

3. M/s ETA Star Infor Park,
Represented by its partner,
ETA Constructions (India) Limited,
At Units Nos. 501 & 502, 5th Floor,
Front Wing, North Block, Manipal Centre,
No.120, Dickenson Road, Bengaluru 560 042.

... Defendants

PRAYER Civil Suit filed under Order IV Rule 1 of the Original Side

Rules read with Order VII Rule 1 of the Code of Civil Procedure to pass a
decree and judgment for

i) a declaration to declare the charge created by the First Defendant on the Schedule Property in favour of the third defendant for an amount of Rs.2,90,00,000/- as null and void.

ii) a declaration to declare the charge created by the second Defendant on the Schedule Property in favour of the third defendant for an amount of Rs.1,45,00,000/- as null and void.

iii) a mandatory injunction directing the first and second defendants to create charge in respect of their respective 20% and 10% share in the vessel M.V. 'Gem of Ennore' (Indian flag) Vessel No.2957 as per the undertakings dated 09.04.2012 in favour of the plaintiff.

iv) a permanent injunction restraining the first and second defendant, their agents, servants, assignees or any person claiming under them from creating any kind of further charge or encumbrance or alienation save and except in favour of the plaintiff in respect of their 20% and 10% shares respectively in the co-owned Vessel M.V. 'Gem of Ennore' (Indian Flag) Vessel No.2957 detailed in the schedule and communicate the order to the Registrar of Indian Ships, Mercantile Marine Department, Mumbai and for costs.

For Plaintiff

: Mr.K.Balamurali

For Defendant

: No appearance

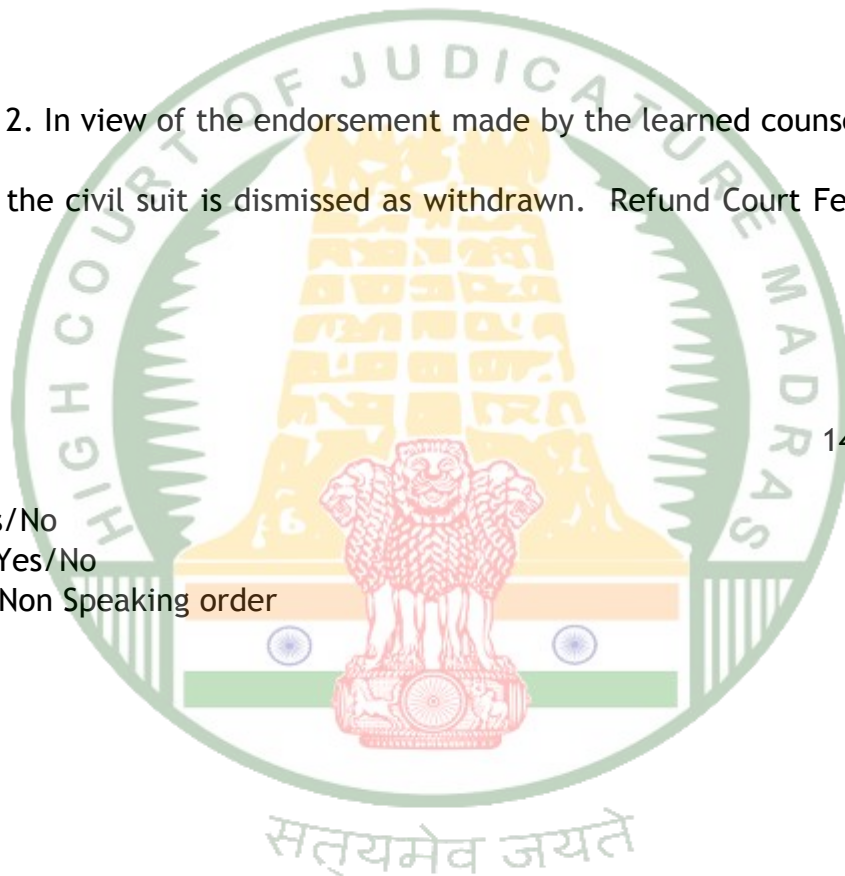
JUDGEMENT

The learned counsel appearing for the plaintiff seeks permission of this Court to withdraw this civil suit and also made an endorsement to that effect.

2. In view of the endorsement made by the learned counsel for the plaintiff, the civil suit is dismissed as withdrawn. Refund Court Fees as per law.

14.11.2019

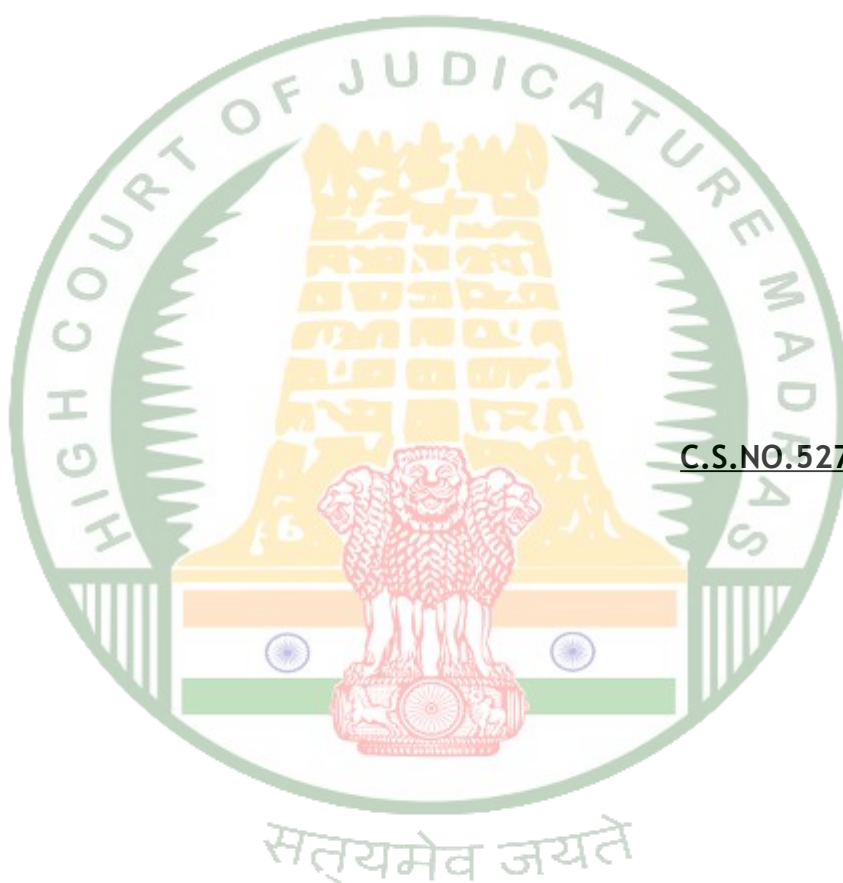
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Internet: Yes/No
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N.SATHISH KUMAR, J.,
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