

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice KRISHNAN RAMASAMY

O.S.A.No.311 of 2018
and
C.M.P.No.14693 of 2018

M/s.Precision Dredging
rep. by its Partner
Devanand M.Shirodkar .. Appellant/3rd party/3rd Party

Vs

1.M/s.Legend Maritime Private Ltd.,
rep. by its Director S.Saravanan
12/9,Krishnan Kovil Street
Phase-1 6th Floor,Seaview Towers
Chennai. 01.

2.Owner and Parties interested in the
Vessel HOPPER BARGE SIMANGUESH II
presently lying at the Port of Chennai
and is rep. by its Master
.. Respondents/Applicant/Plaintif
Respondent /Defendent

Appeal preferred under Clause 15 of Letters Patent r/w
Order XXXVI Rule 9 of O.S. Rules against the order dated
28.03.2018 made in A.No.1580 of 2018 in C.S.No.21 of 2018.

Prayer in A.No.1580 of 2018:

Applications Praying that this Hon'ble Court may be
Pleased to appoint an Advocate Commissioner with a
direction to him to sell the Defendant Vessel HOPPER BARGE
SRIMANGUESH II in as is where is condition as per the terms
and conditions filed along with the Affidavit.

Prayer in C.S.No.21 of 2018:

Suit filed Under XLII Rules
i)2&3 of the OS Rules read with order XLII Rule a CPC

a) For a sum of Rs.48 47 075/- (Rupees Forty eight lakhs forty seven thousand and seventy five only) together with interest @ 18% p.a from the date of this plaint till the date of realization in full;

b) For arrest and sale of the Defendant Vessel Hopper Barge srimangesh II in as is where is condition, Presently in Indian Waters at the port of Chennai. Tamil Nadu ,India.

c) for a direction to adjust the sale proceeds of the Defendants Vessel Hopper Barge Srimanugesh II against the suit Claim

d) for costs of this Suit and

e) for such other or further reliefs.

For Appellant ..	No appearance
For Respondents..	Mr.S.Vasudevan for R1
	Mr.V.J.Arulraj for R2

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This Original Side Appeal is arising out of the order dated 28.03.2018 made in A.No.1580 of 2018 in C.S.No.21 of 2018.

2.We may note that the matter has been adjourned on quite number of occasions. At least, on two occasions, the matter stood posted for dismissal. Thereafter, the above caption was removed at request. Unfortunately, even today, there is no representation for the appellant. We may further note that the learned counsel appearing for the auction purchaser has submitted that pursuant to the auction held, possession was taken and repair work is going on. He has further submitted that the documentation for transfer of title was also over pursuant to the aforesaid auction.

3.In such view of the matter, the Original Side Appeal is dismissed for non-prosecution. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

mmi
To

The Sub Assistant Registrar,
Original Side, High Court, Madras.

+1cc to Mr.S.Vasudevan , Advocate SR.No. 4944
+1cc to Mr.V.J.Arulraj , Advocate SR.No. 4863

O.S.A.No.311 of 2018

A.SK(20/02/2019)