

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.08.2019

Coram

The Honourable Mr.Justice KRISHNAN RAMASAMY

**C.S.No.178 of 2014
and A.Nos.1848, 1849, 2388, 2904
& 3290 to 3292 of 2014**

M/s.VICTORY SHIPPING PVT. LTD.,
371, Beach Road,
#02-17 Keypoint
Singapore 199597
Represented by its Power Agent
Mr.S.Ramamoorthy, Branch Manager,
M/s.Pandi Correspondents Pvt. Ltd.,
Gee Gee Plaza, Flat No.1/23, 3rd Floor,
Nungambakkam,
Chennai – 600 034.

...Plaintiff

Versus

- 1.Owners and Parties interested in the
Steam Coal weighing 54,650 M.T. lying on
Board the Vessel M.V.BEAUTIFUL RENA now
lying at Port of Tuticorin and represented
by its Master
- 2.Owners and Parties interested in the
Vessel M.V.BEAUTIFUL RENA now lying
at the Port of Tuticorin and represented
by its Master.
- 3.VERICOM INTERNATIONAL PRIVATE LIMITED,
Tung Centre, 09-04,
20, Collyer Quay,
Singapore – 049 319.

..Defendants

This suit is filed under Order XLII Rule 1, 23, 8 & 9 of O.S.Rules r/w. Order VII Rule 1 of C.P.C for the following reliefs:

(a) for a sum of US\$528,222/- equivalent to INR 3,24,85,653 together with its interest @ 18% p.a. calculated at 1 US\$ = 61.50 or such other high rate as may be applicable on the date of decree from the date hereof till payment in full;

(b) arrest and sale of the first defendant Cargo now lying on board the second defendant Vessel M.V.BEAUTIFUL RENA, presently at the Tuticorin Port, after discharging the same under the lien of the plaintiff;

(c) adjust the sale proceeds against the amount due to the plaintiff towards its claim in prayer (a) above.

(d) costs of the suit.

For Plaintiffs : Mr.S.Vasudevan

For Defendant – 1 : No Appearance

Defendant – 2 : Mr.S.Raghunathan

Defendant – 3 : Mr.Sarathchander

J U D G M E N T

The learned counsel for plaintiff submitted that already the Arbitration Award was passed in the present suit and also the plaintiff received the part satisfaction through the execution proceedings. He has also made an endorsement to that effect.

2. In view of the submission coupled with an endorsement made by the plaintiff's counsel, nothing survives in the present suit for further adjudication. Therefore, this Civil Suit is dismissed as infructuous by this Court. No costs. Consequently, connected Applications are closed.

09.08.2019

mrr

Index : Yes/No



WEB COPY

C.S.No.178 of 2014

KRISHNAN RAMASAMY, J.,

mrr



C.S.No.178 of 2014

WEB COPY

09.08.2019