IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE SMT. JUSTICE P.V.ASHA

WEDNESDAY, THE 24TH DAY OF JUNE 2020 / 3RD ASHADHA, 1942

OP(ICA).No.4 OF 2020

PETITIONER:

HARSHA
AGED 28 YEARS
S/O.SAHEER SHAH, PROPRIETOR, M/S.ABIN CASHEWS,
PALAKKADAVU, KILIKOLLOR, KOLLAM-691004, KERALA.

BY ADVS.
SRI.R.S.KALKURA
SRI.M.S.KALESH
SRI.HARISH GOPINATH
SMT.R.BINDU
SMT.P.ANJANA
SRI.JOHNSON JOSE PANJIKKARAN
SRI.P.I.NAJUMAL HUSSAIN
SMT.NEENU PAVITHRAN
SMT.ANJALI B CHANDRAN
SMT.KEERTHI S. JYOTHI

RESPONDENTS:

1 **M/S.VIDVAAN TRADING PTE LTD.**
101 CECIL STREET, #22-08, TONG ENG BUILDING,
SINGAPORE-069533,
REPRESENTED BY ITS MANAGING DIRECTOR.

2 **REUDAN SHIPPING AND LOGISTICS SERVICES**
PTE.LTD.NO.48/A,
BRIYANT NAGAR, 1ST STREET EAST, TUTICORIN-628008,
TAMILNADU, INDIA,
REPRESENTED BY ITS MANAGING DIRECTOR.

3 **GOLD STAR LINE PTE LTD.,**
C/O.ZIM INTEGRATED SHIPPING SERVICES (INDIA)
PVT.LTD, VISAKA TRADE CENTRE, 106F/4A PALAI ROAD
(WEST), MILLERPURAM JUNCTION, TUTICORIN-628008,
TAMILNADU, REPRESENTED BY ITS DEPUTY MANAGER-
IMPORT.

4 CONTINENTAL WAREHOUSING CORPORATION NHAVA SEVA LTD.CFS,
MELAVITTAN, DOOR NO.15/76, K, MADURAI BY-PASS ROAD,
MEELAVITTAN, TUTICORIN-628002, TAMILNADU,
REPRESENTED BY ITS MANAGER.

5 THE ASSISTANT COMMISSIONER OF CUSTOMS (IMPORT SECTION),
CUSTOM HOUSE, NEW HARBOUR ESTATE,
TUTICORIN-628004, TAMILNADU.

6 THE BOARD OF TRUSTEES,
V.O.CHIDAMBARANAR PORT TRUST, TUTICORIN,
TAMILNADU-682004, REPRESENTED BY ITS CHAIRMAN.

7 LIJO JOHNSON,
BROKER, PROPRIETOR, PRIME TRADE, AMBALLUR,
THRISSUR-680301.

8 MAERSK LINE,
MAERSK HOUSE, 185/186, PALAYAMKOTTAI HIGH ROAD,
(WEST), TAMIL NADU-628008,
REPRESENTED BY ITS AREA MANAGER.

9 HARI & CO.,
CFS DIVISION, HARI CFS PARK, 4/29 E, MADURAI BYE PASS ROAD, TUTICORN-628008,
REPRESENTED BY ITS MANAGER.

10 KANNAN M.ANSARI,
PROPRIETOR, CFS CASHEWS, KS PURAM, KARUNAGAPALLY,
KERALA, INDIA-690544.

R1 BY SRI.B.RANJITH KUMAR
SRI.SREELAL.N.WARRIER,SC

THIS ORIGINAL PETITION INTERNATIONAL COMMERCI HAVING BEEN FINALLY HEARD ON 24.06.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.V.ASHA, J.

O.P(ICA).No.4 of 2020

Dated this the 24th day of June, 2020

JUDGMENT

Heard the learned counsel for the petitioner and Sri B.Ranjith Kumar, the learned counsel for the 1st respondent.

2. It is submitted that the matter is settled between the parties. This Court had on 18.06.2020 ordered attachment of cargo comprising of 1347 bags of dried cashew nuts in shell, new crop 2020, origin Nigeria (OGVOMOSHO) as per bill of lading bearing No.596074426 in the name of CFC cashews, K.S Puram, Karunagapally, the 10th respondent as per containers MRKU4273579 ML-NG2173074 40 DRY 9'6 340 BAGS 27880.000 KGS 40.0000 CBM, TCKU6560600 ML-NG2173049 40 DRY 9's 327 BAGS 28007.000 KGS 40.0000 CBM, MRKU4715217 ML-NG2173075 40 DRY 9'6 340 BAGS 27828.000 KGS 40.0000 CBM, MRKU6499040 ML-NG2173048 40 DRY 9'6 340 BAGS 27860.000 KGS 40.0000 CBM SHIPPER'S LOAD STOW, WEIGHT AND COUNT now lying in the yard of Hari and Co., the 9th respondent.

As the matter has already been settled between the parties, the Original Petition is disposed of. Therefore, the attachment ordered by this Court on 18.06.2020 in O.P(ICA) No.4 of 2020 shall stand lifted.

Sd/- (P.V.ASHA, JUDGE)

rtr/

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE A1	**TRUE COPY OF THE TRANSMISSION COPY/SWIFT MESSAGE ISSUED BY THE UCO BANK TO THE PETITIONER AS WELL AS THE FIRST RESPONDENT DATED 12.02.2020.**
ANNEXURE A2	**TRUE COPY OF THE SALE AND PURCHASE CONTRACT BEARING NO.VS/0057/RCN/GHA/IND/2019-2020 DATED 06.02.2020 ENTERED INTO BETWEEN THE PETITIONER AND THE FIRST RESPONDENT.**
ANNEXURE A3	**TRUE COPY OF THE BILL OF LADING ISSUED BY THE 7TH RESPONDENT TO THE PETITIONER BEARING NO.GOSUTEM024620/1 WITH THE CONSIGNEE AS THE PETITIONER.**
ANNEXURE A4	**TRUE COPY OF THE BILL OF LADING OF M/S.GOLD STAR LINE LTD. FROM TEMA TO TUTICORIN WITH REGARD TO THE CONSIGNMENT OF CASHEWNUTS DATED 14.02.2020.**
ANNEXURE A5	**TRUE COPY OF THE E-MAIL CORRESPONDENCE DATED 25.05.2020 BETWEEN THE PETITIONER AND THE 7TH RESPONDENT.**
ANNEXURE A6	**TRUE COPY OF THE DEBIT NOTE DATED 15.05.2020 IN RESPECT OF CONSIGNMENT DATED 31.01.2020 OF THE FIRST RESPONDENT ALONG WITH THE RBS'S MARITIME SERVICES, MARINE SURVEYORS AND CARGO SUPERINTENDENTS CERTIFICATE.**
ANNEXURE A7	**TRUE COPY OF THE OFFICE MEMORANDUM DATED 19.02.2020 ISSUED BY THE GOVERNMENT OF INDIA, MINISTRY OF FINANCE.**
ANNEXURE A8	**TRUE COPY OF THE LETTER DATED NIL JOINTLY ISSUED BY THE PETITIONER THROUGH E-MAIL DATED 29.05.2020 TO THE 5TH RESPONDENT, 2ND RESPONDENT AND SIMLINE (GOLDSTAR LINE).**
ANNEXURE A9	**TRUE COPY OF THE ORDER OF ATTACHMENT DATED 09.06.2020 IN O.P.(ICA) 3 OF 2020.**
ANNEXURE A10	**TRUE COPY OF I.A. FILED BY THE PETITIONER IN O.P.(ICA) 3 OF 2020 DATED 15.06.2020 FOR WITHDRAWING THE O.P.(ICA) 3 OF 2020.**

ANNEXURE A11	**TRUE COPY OF THE BILL OF LADING BEARING NO.596074426 ISSUED BY THE FIRST RESPONDENT TO M/S.CFC CASHEWS, K.S.PURAM, KARUNAGAPALLY.**