



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 22ND DAY OF JUNE, 2021

THE HON'BLE MR. JUSTICE R. SUBRAMANIAN

C.S. No.665 of 2000

Chaya Industries Ltd.,
Rep. by T. Raghunathan,
Managing Director,
New Industrial Development Area,
Kanjikode,
Palakkad - 678 621.

..Plaintiff

Vs.

1. M/S Owners and Parties interested
in the vessel M.V.AAA.Pregress
Rep. by its Master now at the
Port of Tuticorin,
Tamilnadu.

2. M/S Coolwear Pvt. Ltd.,
Hawaana Road,
S. Hulhudhoo Addu Atool,
Republic of Maldives.

3. M/S Hazash Enterprises Pvt. Ltd.,
No. 1-05, Ship Plaza,
Orchid Magu.Male - 2002,
Republic of Maldives.

..Defendants

Civil Suit praying that this Hon'ble Court may be pleased to pass a
judgement and Decree against the defendants 1 to 3 jointly and severally,

<https://hcservices.ecourts.gov.in/hcservices/> (a) For a sum of Rs. 8,61,584/- together with interest at the rate of

24% per annum from the date of plaint till the date of realisation in full.



(b) For arrest of the vessel M.V.AAA Pregress in as is where is condition, presently in Indian waters at the port of Tuticorin together with her hull, tackle, gear, engines, machines and equipment thereon and all the things and articles aboard the said vessel including other paraphernalia on board.

(c) For order of the sale of the said vessel together with the equipments and accessories mentioned above and to direct the sale proceeds to be adjusted or applied in or towards the satisfaction of the claim of the plaintiff with further interest at the above rate from the date of the suit till the date of payment in the event of the non payment of the amount by the defendants:

(d) If the sale proceeds are insufficient, to satisfy the amount decreed, for a personal decree against defendants 2 and 3

(e) For costs of this suit

This Suit coming on this day before this court for hearing in the presence of Mr. Irwin Aaron, Advocate for the 1st defendant herein and the plaintiff herein, not appearing in person or by advocate and upon reading the plaint filed herein and this court having observed that the suit is of the year 2000, it is clear that the plaintiff is not interest in prosecuting the suit,



That the suit in C.S. No. 665 of 2000, be and is hereby dismissed for non-prosecution.

2. That there shall be no costs of this suit.

WITNESS THE HON'BLE JUSTICE MR. SANJIB BANERJEE, THE CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 2nd DAY OF JUNE 2021.

Sd/-
ASSISTANT REGISTRAR (COMM. CASE)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



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4

VF-12.07.2021

C.S. No.665 of 2000

ORDER :-

DATED: 22.06.2021

THE HON'BLE MR. JUSTICE
R. SUBRAMANIAN

FOR APPROVAL: 21.09.2021

APPROVED ON: 22.09.2021



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5

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2021

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THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.665 of 2000

Chaya Industries Ltd.,
Rep. by T.Raghunathan,
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Kanjikode,
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...Plaintiff

.Vs.

1.M/s.Owners and Parties Interested
in the vessel M.V.AAA.Pregress
Rep. by its Master now at the
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2.M/s.Coolwear Pvt. Ltd.,
Hawaanna Road,
S.Hulhudhoo Addu Atool,
Republic of Maldives.

3.M/s.Hazash Enterprises Pvt. Ltd.,
No.1-05, Ship Plaza,
Orchid Magu.Male-2002,
Republic of Maldives.

... Defendants

Plaint filed under Order XLII Rule III of the High Court Original Side
Rules praying for a judgment and decree against the defendants 1 to 3
jointly and severally:

<https://hcservices.ecourts.gov.in/hcservices/>

a) For a sum of Rs.8,61,584/- together with interest at the rate of 24%



per annum from the date of plaint till the date of realization in full,

b) For arrest of the vessel M.V.AAA.Pregress in as is where is condition, presently in Indian Waters at the Port of Tuticorin together with her hull, tackle, gear, engines, machines and equipment thereon and all the things and articles aboard the said vessel including other paraphernalia on board

c) For order of the sale of the said vessel together with the equipments and accessories mentioned above and to direct the sale proceeds to be adjusted or applied in or towards the satisfaction of the claim of the plaintiff with further interest at the above rate from the date of the suit till the date of payment in the event of the non payment of the amount by the defendants

d) If the sale proceeds are insufficient, to satisfy the amount decreed, for a personal decree against the defendants 2 and 3 and

e) For costs of the suit.

For Plaintiff : No appearance

For Defendants : Mr.Irwin Aaron for D1

J U D G M E N T

Mr.Chandrasekaran, learned counsel representing Mr.S.Thiruvengataswamy had on 22.04.2021 represented that the papers have been returned to the plaintiff. The Registry was directed to find out as to whether any new counsel has entered appearance. The name of the plaintiff has been printed in the cause list. The suit is of the year 2000, it is clear that the plaintiff is not interested in prosecuting the suit.



2. Therefore, the suit is dismissed for non-prosecution. No costs.

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Sd./- R.S.M.J.,
22.06.2021

List of the witnesses examined on the side of the plaintiff: Nil

List of Exhibits marked on the side of the plaintiff : Nil

List of the witnesses examined on the side of the defendants: Nil

List of Exhibits marked on the side of the defendants: Nil

Sd./- R.S.M.J.,
22.06.2021

// Certified to be true copy//

Dated at Madras this day of 2021.

Court Officer(O.S.)

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