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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 15TH DAY OF MARCH 2021

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

C.S. No.775 of 2000

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

... Plaintiff

..Vs..

1.M/s.Owners and Parties interested
in the vessel M.V.Waadhee Star
Rep by its Master now at the Port
of Tuticorin, Tamil Nadu.

2.M/s.Coolwear Pvt. Ltd.,
Hawaanna Road,
S.Hulhudhoo Addu Atoll,
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
judgment and decree against the defendants 1 to 3 jointly and severally

(a) For a sum of Rs.14,23,345.19/- (Rupees Fourteen Lakhs Twenty

Three Thousand Three Hundred and Forty Five and Nineteen Paise only)



till the date of realization in full.

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(b) For arrest of the vessel M.V.Waadhee Star 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.S.Thiruvankataswamy, Advocate for the plaintiff herein and Mr.V.Karthikeyan, Advocate for the 1st defendant herein and upon reading the plaint filed herein and this court having observed that there has been no effective progress from the time of institution of the suit and the matter has

been lying in cold storage in the Almiran without any progress and the



learned counsel for the plaintiff today represented that he had already given a change of vakalat to the plaintiff and the learned counsel for the defendants also stated that he could not get proper instruction from the defendant, it is clear that the parties are not requested in the prosecution of the suit, it is ordered as follows:-

That the suit in C.S.No.775 of 2000, be and is hereby dismissed for non prosecution.

2) That there shall be no order as to costs of this suit.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
15th DAY OF MARCH 2021.

Sd/-

ASSISTANT REGISTRAR (Comm. Cases)

//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.



Skg

06.05.2021

C.S. No.775 of 2000

ORDER:

DATED: 15.03.2021

THE HON'BLE MR. JUSTICE
C.V.KARTHIKEYAN

FOR APPROVAL: 20/07/2021

APPROVED ON: 22/07/2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2021

CORAM:

THE HON'BLE JUSTICE C.V.KARTHIKEYAN

C.S.No.775 of 2000

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

... Plaintiff

..Vs..

1.M/s.Owners and Parties interested
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Hawaanna Road,
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Republic of Maldives.

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

... Defendants

PRAYER : Plaint filed under Order XLII Rule III of the High Court

Original Side Rules, prayed for a Judgment and Decree:-

(a) For a sum of Rs.14,23,345.19/- (Rupees Fourteen Lakhs Twenty

Three Thousand Three Hundred and Forty Five and Nineteen Paise only)



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.Waadhee Star 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 defendant.

(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.

For Plaintiff : M/s.S.Thiruvankataswamy
For Defendant 1 : M/s.V.Karthikeyan

J U D G M E N T

Suit had been filed for recovery of sum of Rs.14,23,345.19/- (Rupees

Fourteen Lakhs Twenty Three Thousand Three Hundred and Forty Five and

Nineteen Paise only) together with interest.



2. The suit had been filed taking advantage of the Admiralty Jurisdiction of this Court. There had been also seeking relief seeking arrest of the Vessel M.V.V.Waadhee Star, which was at that time berthed at the Port of Tuticorin. Since, the issue relates to Admiralty Jurisdiction, the issues raised can be classified as a Commercial Dispute and the Commercial Division of this Court has jurisdiction to examining the issues raised under Section 2(1)(c)(xvii) of the Commercial Courts Act, 2015.

3. The suit had been earlier listed on 22.02.2021. There has been no effective progress from the time of institution of the suit. The matter has been lying in cold storage in the Almiran without any progress.

4. The learned counsel for the plaintiff today represented that he had already given a change of vakalat to the plaintiff. The learned counsel for the defendant also stated that he could not get proper instructions from the defendant. It is clear that the parties are not requested in the prosecution of the suit.

5. The suit is dismissed for non prosecution. No order as to costs.

Sd./- C.V.K.J.
15.03.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)