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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 11TH DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

C.S.No.121 of 2001

Mr.Samiullah,
Sole Proprietor,
M/s.Poseidon Ship Stores,
No.9, Pachiappa Street (Opp. Ellis Road),
Mount Road, Chennai – 600 002.

...Plaintiff

Vs.

Owners & Parties Interested in the Vessel
MT AMER OIL
now lying at the Port of Chennai, India and
is represented by its Master

...Defendant

Civil suit praying that this Hon'ble Court be pleased to pass a
judgment and decree against the defendant:-

i) for a sum of Rs.3,42,818.48/- together with 18% p.a. from the date
of plaint till date of realisation.

ii) for arrest and sale of MT AMER OIL in as is where is condition
presently in Indian waters at Port of Chennai, India.

iii) for a direction to adjust the sale proceeds against the suit claim
with interest.

IV) and for costs of this suit.



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This suit coming on this day before this court for hearing and the plaintiff and the defendant herein not appearing in person or by advocate and upon reading the plaint filed herein and this court having observed that it is seen from the records that the counsel for the plaintiff has filed a memo withdrawing his Vakalat even on 27.03.2002, the defendants are not served yet on the ground that they could not be traced. **it is ordered as follows:**

That the suit in C.S.No.121 of 2001 be and is hereby dismissed for non-prosecution.

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

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
11th DAY OF AUGUST 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.



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01.09.2021

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C.S.No.121 of 2001

ORDER:-
DATED : 11.08.2021

THE HON'BLE MR.JUSTICE
R.SUBRAMANIAN

FOR APPROVAL: 09.09.2021

APPROVED ON: 13.09.2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.121 of 2001

Mr.Samiullah,
Sole Proprietor,
M/s.Poseidon Ship Stores,
No.9, Pachiappa Street (Opp. Ellis Road),
Mount Road, Chennai – 600 002.

...Plaintiff

Vs.

Owners & Parties Interested in the Vessels
MT AMER OIL
now lying at the Port of Chennai, India and
is represented by its Master

...Defendant

Prayer: Complaint filed under Order XLII Rule 3 of the Original Side rules,
praying as follows:-

i) for a sum of Rs.3,42,818.48/- together with 18% p.a. from the date
of complaint till date of realisation.

ii) for arrest and sale of MT AMER OIL in as is where is condition
presently in Indian waters at Port of Chennai, India.

iii) for a direction to adjust the same proceeds against the suit claim
with interest.

iv) and for costs of this suit.

For Plaintiff : Mr.R.Thirunavukkarasu

- No Appearance

For Defendant : Unserved

**J U D G M E N T**

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It is seen from the records that the counsel for the plaintiff has filed a memo withdrawing his Vakalat even on 27.03.2002. The defendants are not served yet on the ground that they could not be traced.

2.Hence, this suit is dismissed for non-prosecution. No costs.

Sd./-(R.S.M.J.,)

11.08.2021

List of witness and documents filed on the side of the plaintiff:

Nil

List of witness and documents filed on the side of the defendant:

Nil

Sd./-(R.S.M.J.,)

11.08.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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