



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 27th DAY OF OCTOBER 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

C.S.No.1058 of 2008

1. Aung Naing Lin

2. Thike Soe

3. Myo Min Wai

On Board the Vessel MV VINASHIN ISLAND

Now lying at the Port of Tuticorin

Represented by their Power Agent

Mr.C.D. Rajesh Kumar

... Plaintiffs

Versus

Owners and Parties interested in the Vessel

MV. VINASHIN ISLAND

Now lying at the port of Tuticorin,

Tamil Nadu.

Represented by its Master.

...Defendant

Civil Suit praying that this Hon'ble Court be pleased to pass a judgment and decree against the Defendant

a. For a sum of US \$ 33,675/- equivalent to Rs.15,82,725/- calculated as per the prevailing exchange rate of 1 US\$ = INR 47/- Indian Rupees with interest at the rate of 24% p.a. from the date of this Plaint till date of realisation or such higher sum of Indian Rupees equivalent to the exchange rate prevailing on the date of the Judgment whichever is higher.



b. For arrest and sale of the Defendant Vessel MV VINASHIN ISLAND in as is where is condition, presently in Indian Waters at Port of Tuticorin, Tamil Nadu.

c. For a direction to adjust the sale proceeds of the defendant Vessel MV VINASHIN ISLAND against the suit claim as well as for actual cost of repatriation with interest and costs.

d. And for costs of this Suit.

This civil suit coming on this day before this Court for hearing in the presence of Mr.S.Vasudevan, Advocate for the plaintiffs herein and M/s.King & Patridge, Advocate for the defendant herein and upon reading the plaint filed herein in C.S.No.1058 of 2008 and the learned counsel for the plaintiff having made an endorsement on the plaint stating that the suit may be dismissed as settled out of Court and refund of full Court fee be ordered to that effect, it is ordered as follows:-

That the suit in C.S.No.1058 of 2008, be and is hereby dismissed as settled out of Court.

2) That a Certificate under section 69 of Tamil Nadu Court fee and Suits Valuation Act, XIV of 1955 do issue herein, out of and under the seal of this Court in favour of Mr.S.Vasudevan, the counsel for the plaintiff



herein, authorising him, to receive from the pay and Accounts office, High Court, Madras, a sum of Rs.19,500/- (Rupees Nineteen Thousand Five Hundred only) being the entire Court fee paid on the plaint by the plaintiffs herein.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
27th DAY OF OCTOBER 2021.

Sd/-

ASSISTANT REGISTRAR(Comm. Cases)

//Certified to be true copy//

Dated at Madras this the day of 2022.

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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WEB COM ARS

31.12.2021

03.01.2022

C.S.No.1058 of 2008

DECREE

DATED : 27.10.2021

THE HON'BLE MR. JUSTICE
R.SUBRAMANIAN

FOR APPROVAL: 06.01.2022

APPROVED ON : 10.01.2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.1058 of 2008

1.Aung Naing Lin

2.Thike Soe

3.Myo Min Wai

On Board the Vessel MV VINASHIN ISLAND

Now lying at the Port of Tuticorin,

represented by their Power Agent,

Mr.C.D.Rajesh Kumar

...Plaintiffs

Vs.

Owners and Parties interested in the Vessel,

MV.VINASHIN ISLAND,

Now lying at the Port of Tuticorin,

Tamil Nadu, represented by its Master

...Defendant

Prayer: Complaint filed under Order XLII Rule 1, 2 & 3 of the original side rules

r/w. Order VII Rule 1 of C.P.C., praying as follows:-

a) for a sum of US \$ 33,675/- equivalent to Rs.15,82,725/- calculated as per the prevailing exchange rate at 1 US\$ = INR 47/- Indian Rupees with interest at the rate of 24% p.s. From the date of this complaint till date of realisation or such higher sum of Indian Rupees equivalent to the exchange rate prevailing on the date of the judgment whichever is higher.

b) for arrest and sale of the Defendant Vessel MV VINASHIN



ISLAND in as is where is condition, presently in Indian Waters at Port of Tuticorin, Tamil Nadu.

c) for a direction to adjust the sale proceeds of the Defendant Vessel MV VINASHIN ISLAND against the suit claim as well as for actual cost of repatriation with interest and costs.

d) and for costs of the suit.

For Plaintiffs : Mr.S.Vasudevan

For Defendant : M/s.King & Patridge

J U D G M E N T

Mr.S.Vasudevan, learned counsel appearing for the plaintiff would submit that the suit has been settled out of Court and he seeks dismissal of the suit as settled out of Court. He has also made an endorsement to that effect.

2.In view of the same, this suit is dismissed as settled out of Court. The entire Court fee paid on the plaint is directed to be refunded by issuing a cheque in the name of the counsel for the plaintiff.

Sd/- R.S.M.J.
27.10.2021

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



Nil

WEB COPY

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

Nil

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

27.10.2021

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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