



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 02ND DAY OF NOVEMBER 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

C.S. No.799 of 2008

C.S.No.799 of 2008:-

ENMAS ANDRITZ PVT LTD.,
IV Floor, Guna Building Annexe,
443, Anna Salai, Teynampet,
Chennai – 600 018.

... Plaintiff

Versus

1. EVORIENT LINE- SINGAPORE
Represented by their agents/broker,
*M/s. Everett (India) Pvt Ltd.,
105, Arermenian Street, Chennai.
2. *M/s. Everett(India) Pvt. Ltd.,
105, Arermenian Street, Chennai.
*(Amended as per order of this
Hon'ble court dated 01.04.2011 in
Appln No1796 of 2011 n C.S. 799 of 2008)
3. Navalmar (U.K.)Ltd.,
Rep. by their Local Agents,
M/s.PSTS Logistics Pvt Ltd.,
No.48, (Old No.39) WA VOO Mansion,
Rajaji Salai, Chennai – 600 001.
4. ICICI Lambard General Insurance Co. Ltd.,
Chotabhai Centre,
40, Nungambakkam High Road,
Chennai – 600 034.

... Defendant



WEB COPY

Civil Suit praying that this Hon'ble Court be pleased to pass a decree and judgment against the Defendants holding them jointly and severally liable and directing them to pay the plaintiffs herein

a) a sum of Rs.1,88,80,336/- with interest at the rate of 12% per annum from the date of plaint until payment in full, being a commercial cause;

b) to costs of the suit;

This Suit coming on this day before this court for hearing in the presence of Mr.Guru Swaminathan for M/s.Nageswaran and Narichania, Advocates for the plaintiff herein and Mr.P.Giridharan, Advocate for the defendants 1 & 2 herein and Mr.K.Bijay Sundar, Advocate for the 3rd defendant herein and upon reading the plaint filed herein and the counsel for the plaintiff reporting no instructions none appears for the plaintiff,

it is ordered as follows:-

That the suit in C.S.No.799 of 2008, be and is hereby dismissed for non-prosecution.



WEB COPY

2. That the plaintiff herein, do pay to the defendants herein, the cost of this suit, as and when taxed by the taxing officer of this court and noted in the margin thereof.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 02ND DAY OF NOVEMBER 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.



WEB COPY

VSP

23/11/2021

4

C.S. No.799 of 2008

ORDER

DATED : 02/11/2021

THE HON'BLE MR.JUSTICE
R.SUBRAMANIAN

FOR APPROVAL:29/12/2021

APPROVED ON:12/01/2022



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 02.11.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.799 of 2008

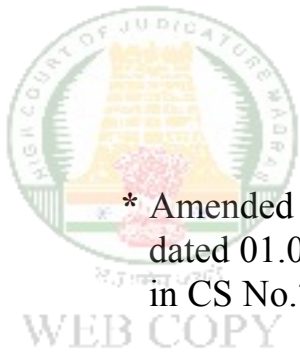
ENMAS ANDRITZ PVT LTD.,
IV Floor, Guna Building Annexe,
443, Anna Salai, Teynampet,
Chennai 600 018.

... Plaintiff

Vs

1. EVORIENT LINE – SINGAPORE
Rep. By their Agents/broker
* **M/s.Everett (India) Pvt. Ltd.,**
105, Aremenian Street, Chennai.
2. * **M/s.Everett (India) Pvt. Ltd.,**
105, Aremenian Street, Chennai.
3. Navalmar (U.K.) Ltd,
Rep. by their Local Agents
M/s. PSTS Logistics Pvt Ltd.,
No.48 (Old No.39) WA VOO Mansion,
Rajaji Salai, Chennai 600 001.
4. ICICI Lombard General Insurance Co. Ltd.,
Chotabhai Centre,
40 Nungambakkam High Road,
Chennai 600 034.

... Defendants



* Amended as per order of this Hon'ble Court dated 01.04.2011 in Appl. No.1796 of 2011 in CS No.799 of 2008

Prayer : Complaint filed under Order IV Rule 1 of the High Court Original Side Rules read with Order VII Rule 1 of the Code of Civil Procedure, praying for the following judgment and decree:-

(a) a sum of Rs.1,88,80,336/- with interest at the rate of 12% per annum from the date of complaint until payment in full, being a commercial cause; and

(b) the costs of the suit.

For Plaintiff : Mr.Guru Swaminathan
for M/s.Nageswaran and Narichania

For Defendants : Mr.P.Giridharan, for D1 & D2
Mr.K.Bijay Sundar, for D3

J U D G M E N T

The counsel for the plaintiff reports no instructions, none appears for the plaintiff. Considering the conduct of the plaintiff, the suit is dismissed for non-prosecution with cost of the defendants.

Sd./-R.S.M.J
02.11.2021



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

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

List of Witness examined on the side of the Defendants: Nil

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

Sd./-R.S.M.J
02.11.2021

//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.