



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 15th DAY OF JULY 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

C.S.No76 of 2004

1.Lyubarets Viktor

2.Mykhaylo Yusufovych

Officers of Board

The vessel M.T.AMER RHINE now

Lying at the Port of Tuticorin

represented by their

Power of attorney agent

M.Arunachalam

...Plaintiffs

.Vs.

Owners and Parties Interested in the

Vessel M.T.AMER RHINE

Represented by its Master

Now lying at the Port of Tuticorin

... 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 \$ 36,088/- equivalent to Indian Rupees 16,60,048/- calculated at the rate of 1 US \$ = 46.00 together with wages, all allowances and repatriation charges till the last date of discharge with interest at the rate of 24% p.a from date of this plaint till date of realisation;

b) For arrest and sale of the vessel M.T.AMER RHINE in as is where



is condition, presently in Indian waters at the port of Chennai and

WEB COPY

c) For a direction to adjust the sale proceeds against the suit claim 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 upon reading the plaint filed herein, and this court having observed that the endorsement of the learned Master dated 20.11.2004 that the matter has been settled, and the learned counsel appearing for the plaintiffs is unable to either affirm or deny the said endorsement, however, since it is a Court proceeding, the same is accepted, It is ordered as follows:-

That the suit in C.S.No.76 of 2004 be and is hereby dismissed as settled out of Court.

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
15th DAY OF JULY 2021.

Sd/-

ASSISTANT REGISTRAR (Comm.Cases)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)



WEB COPY

SK

13.08.2021

3

C.S.No.76 of 2004

ORDER :-

DATED :15.07.2021

THE HON'BLE MR. JUSTICE

R.SUBRAMANIAN

FOR APPROVAL: 13.09.2021

APPROVED ON: 14.09.2021



WEB COPY

4

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.76 of 2004

1.Lyubarets Viktor

2.Mykhaylo Yusufovych

Officers of Board

The vessel M.T.AMER RHINE now

Lying at the Port of Tuticorin

represented by their

Power of attorney agent

M.Arunachalam

...Plaintiffs

.Vs.

Owners and Parties Interested in the

Vessel M.T.AMER RHINE

Represented by its Master

Now lying at the Port of Tuticorin

... Defendant

Plaint filed under Order XLII Rule III of the Original Side Rules
praying for a judgment and decree against the defendant:

a) For a sum of US \$ 36,088/- equivalent to Indian Rupees
16,60,048/- calculated at the rate of 1 US \$ = 46.00 together with wages, all
allowances and repatriation charges till the last date of discharge with
interest at the rate of 24% p.a from date of this plaint till date of realisation;

b) For arrest and sale of the vessel M.T.AMER RHINE in as is where



is condition, presently in Indian waters at the port of Chennai and

WEB COPY

c) For a direction to adjust the sale proceeds against the suit claim with interest and costs

d) and for costs of this suit.

For Plaintiff : Mr.S.Vasudevan

J U D G M E N T

The suit has been filed praying for a judgment and decree against the defendant:

a) For a sum of US \$ 36,088/- equivalent to Indian Rupees 16,60,048/- calculated at the rate of 1 US \$ = 46.00 together with wages, all allowances and repatriation charges till the last date of discharge with interest at the rate of 24% p.a from date of this plaint till date of realisation;

b) For arrest and sale of the vessel M.T.AMER RHINE in as is where is condition, presently in Indian waters at the port of Chennai and

c) For a direction to adjust the sale proceeds against the suit claim with interest and costs

d) and for costs of this suit.



2. It is seen from the endorsement of the learned Master dated 20.11.2004 that the matter has been settled. Mr.S.Vasudevan, learned counsel appearing for the plaintiffs is unable to either affirm or deny the said endorsement. However, since it is a Court proceeding, the same is accepted and the suit is dismissed as settled out of Court. No costs.

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

15.07.2021

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.,)

15.07.2021

//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.