



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 06th DAY OF JANUARY 2022

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.S. No.496 of 2006

A.R.Sharif,
28/9, Adam Street,
Chennai 600 001.

... Plaintiff

-Versus-

Owners and the Parties Interested
in the Vessel M.T.Gurpur,
represented by its Master,
now at Port of Ennore, Chennai 600 057.

... Defendant

Civil Suit praying that this Hon'ble Court be pleased to pass a judgment and decree in favour of the Plaintiff and as against the Defendant:

(a) directing the Defendant to pay to the Plaintiff a sum of Rs.23,06,234/- together with interest at the rate of 24% per annum from the date of Plaint till the date of realisation on the principal sum of Rs.13,40,834/-.

(b) for the arrest and sale of the Vessel M.T.Gurpur as-is-where-is condition, presently in Indian Waters at the Port of Ennore, Chennai 57;

(c) for a direction to adjust the sale proceeds against the Suit claim

with interest and cost;

(d) to direct the Defendants to remit the TDS amount of Rs.22,225/-



into the Income-tax Department and issue the certificate to the Plaintiff;

WEB COPY (e) for the cost of the suit;

This Suit coming on this day before this court for hearing in the presence of Mr.Kandavadivel Doraisami, Advocate for the Plaintiff herein, and upon reading the plaint filed herein, and the learned counsel for the plaintiff having submitted that despite best his efforts he is unable to get any instructions with regard to the present status of the dispute and this court doth recording the same, and this court having observed that the defendant vessel is presently not available within the jurisdiction of this Court, no security was also furnished by the defendants and hence the suit has now become infructuous, **it is ordered as follows:-**

That the suit in C.S.No.496 of 2006 be and is hereby dismissed as infructuous.

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

WITNESS THE HON'BLE MR.JUSTICE MUNISHWAR NATH BHANDARI, ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 06th DAY OF JANUARY 2022.

Sd/-

ASSISTANT REGISTRAR (O.S.I)

//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.



WEB COPY

MU

22.03.2022

3

C.S. No.496 of 2006

DECREE

DATED : 06.01.2022

THE HON'BLE MR.JUSTICE

ABDUL QUDDHOSE

FOR APPROVAL: 25.03.2022

APPROVED ON: 25.03.2022



WEB COPY

4

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:06.01.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.S.No.496 of 2006

A.R.Sharif

.... Plaintiff

VS

Owners and the parties interested
in the Vessel M.T.Gurpur,
represented by its Master,
now at Port of Ennore, Chennai - 600 057.

.... Defendants

Suit is filed for directing the Defendant to pay to the Plaintiff a sum of Rs.23,06,234/- together with interest at the rate of 24% per annum from the date of Plaint till the date of realisation on the principal sum of Rs.13,40,834/-, for the arrest and sale of the Vessel M.R.Gurpur as-is-where-is condition, presently in Indian waters at the Port of Ennore, Chennai - 57, for a direction to adjust the sale proceeds against the Suit claim with interest and cost and to direct the defendants to remit the TDS amount of Rs.22,225/- into the Income-tax Department and issue the certificate to the plaintiff.

For Plaintiff : Mr.Kandavadivel Doraisami



WEB COPY

JUDGMENT

This is an admiralty suit. The defendant vessel is presently not available within the jurisdiction of this Court. No security was also furnished by the defendants. Hence the suit has become infructuous.

2. Learned counsel for the plaintiff submits that despite best efforts he is unable to get any instructions with regard to the present status of the dispute.

3. The said statement is recorded.

4. In view of the above situation, the suit is dismissed as infructuous.

No costs.

Sd./-A.Q.J.
06.01.2022

//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.