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C.S.(Comm.Div)No.97 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.S.No.(Comm.Div)97 of 2022
and A.No.2074 of 2022

Bunker Partner OU

A Company incorporated under the Estonia
Laws and having its office at Narva Mnt 116-9,
10127 Tallinn, Estonia

Represented herein by its

Authorised Signatory – K.Sivaraj

... Plaintiff

Vs.

Owners and Parties interested in the
Vessel MV MAIA-1 (IMO:9358010)

Now lying at the

Port of V.O. Chidambaranar Port at Tuticorin

Represented herein by its Master

... Defendant

Prayer: Complaint filed under Order XLII Rules 1, 2 & 3 and Order IV Rule 1 of the Madras High Court O.S. Rules read with Sections 3 & 4 of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 read with Section 4 of the Commercial Courts, praying for:

(a) For a sum of USD 22599.31 (INR 17,59,073 =

Rupees Seventeen Lakhs Fifty Nine Thousand and Seventy



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Three Only); [being the aggregate of the Principal unpaid sum of USD 18446.36 (INR 14,35,818) and interest thereon @ 3% ie, a sum of USD 202.95 (INR 15,797)] and further interest on the Principal sum of USD 18446.36 (INR 14,35,818) @ 3% p.m from the date of this plaint till date of actual 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 M V MAIA-I, in as is where is condition, presently in Indian Waters at Port of V.O.Chidambaranar at Tuticorin or wherever available within the territorial waters of India;

(c) For a direction to adjust the sale proceeds of the defendant vessel M V MAIA-I against the suit claim;

(d) and for costs of this suit.

For Plaintiff : Mrs.Shubharanjani Ananth

JUDGMENT

When the matter is taken up for hearing, the learned counsel appearing for the plaintiff submitted that the vessels are sailed out of the territorial waters jurisdiction of this Court, therefore, the prayer sought



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for in the present suit has virtually become infructuous. Hence, he seeks permission of this Court to withdraw the Civil Suit with a liberty to file the suit on the same cause of action in the event the same ship enters into the territorial waters jurisdiction of this Court.

2. Recording the submission made by the learned counsel appearing for the plaintiff, this Civil Suit is dismissed as Withdrawn with liberty to file fresh suit on the same cause of action in the event the same ship enters into the territorial waters jurisdiction of this Court. Connected Application is closed.

3. Registry is directed to refund the Court fee to the plaintiff as per the Rules.

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KRISHNAN RAMASAMY,J.

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