



C.S.(Comm Div). No. 148 of 2020

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P.T.ASHA, J.

Today the matter has been listed under the caption “*For Being Mentioned*”.

2. This Court had pronounced the Judgement on 22.09.2023. A memo has been filed by the plaintiff on 08.11.2023 into the Court contending that while calculating the reimbursement of the ground rent charged by container freight service stations for the delayed period, they had wrongly shown the amount as USD 33300.85, whereas the actual amount is only USD 23402.00.

3. Likewise, they would submit that the orders for discharging the amounts accrued under Fixed Deposit has been omitted to be ordered. Further, the Court has omitted to state that the defendants 1 and 2 are jointly and severally liable to pay the amounts.



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4. Taking into account the submissions, the following amendments are made to the Judgement dated 22.09.2023.

5. In the tabular column, which has been set out in paragraph no.10, under serial no.2, the amount would stand revised to 23402.00 and the total will stand reduced to 1,12,022.46/-. Consequently, in paragraph no.15, the amount 33300.85 shall stand amended as 23402.00 and a similar correction is also made in paragraph no.17. In paragraph no.17, the sentence, “Therefore, this Court finds that defendants 1 and 2 are liable to pay interest on the aforesaid sum of USD 209880 together with interest @ 9% from 14.02.2020 till 31.08.2020” shall be corrected as follows:

“Therefore, this Courts holds that defendants 1 and 2 are jointly and severally liable to pay interest @ 9% p.a., on USD 209880 (being the loss of interest on investment) from 14.02.2020 till 31.08.2020, which works out to USD 10218.50 i.e., Rs.7,74,057/-”



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6. Paragraph No.18 shall read as follows:

“18. The plaintiff has filed a notification of the Government of India dated 06.08.2020, wherein exchange rate for a dollar was the sum of Rs.75.75. The suit is partly decreed. The plaintiff is entitled USD 76585.46 i.e., Rs. 58,01,348.59/- rounded off to Rs.58,01,349/- together with costs and Rs.7,74,051/- towards interest on investment.”

7. The plaintiff has deposited a sum of Rs.3,36,165/- with the State Bank of India, SME Branch, Anna Salai, Chennai on 09.06.2020. In the light of the above decree, the plaintiff is directed to encash the Fixed Deposit and appropriate it towards the dues from the defendants as per decree.

8. The Registry is directed to issue fresh order copy to the parties.

15.11.2023



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15.11.2023