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OSA Nos.317 of 2019 & 23 of 20



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P. DHANABAL

OSA Nos.317 of 2019 & 23 of 2020

OSA No.317 of 2019

M/s.Calyx Container Terminal
Private Limited, Chennai
No.28, G.N.T.Road(NH5)
Puzhal Junction, Kadirvedu
Village (Near EratattaiEri)
Chennai-600 066.

Represented by its Director.

... Appellant

versus

1.M/s.Hyundai Merchant Marine India Pvt.Ltd.,
Having its Registered Office at
Ega Trade Centre, 3rd Floor,
Door No.318, Old No.809, Poonamalee,
High Road, Kilpauk, Chennai-600 010.
Represented by its authorized signatory,
Mr.T.Chandrabhanu

2.Headwin Exim Private Limited,
Having its Registered office at
No.116/2, 1st Floor, 11th Cross Street,
Malleshwaram, Bangaluru, Karnataka,
560003
represented by its Director.

3.M.K.Carbon
No.506, 8th Main, 10th Cross,
Rajmahal Vilas Extension
Sadashiv Nagar, Bangalore-560080



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- 4.Ujwal International
Old No.34, New No.58, Jaffer Sarang Lane
Room No.103, RajajiSalai,
Chennai-600 001.
- 5.Ningxia TLH Group Company Limited
No.22, Bejing Road, Innchun,
Ningxia, China,
Represented by its Director.
- 6.Ningxia Wanboda Group Shares Company Limited,
No.552#, Fenghuang Street, Yinchuan Ningxia, China,
Represented by its Director. ... Respondents

PRAYER: Original Side Appeals filed under Clause XV of Letters Patent read with Order XXXVI Rule 9 of the O.S. Rules and Section 13 of the Commercial Courts Act, 2015 to set aside the order dated 26.09.2019 in Application No.3959 of 2019 in C.S.No.265 of 2019.

OSA No. 23 of 2020

M/s.Calyx Container Terminal
Private Limited, Chennai
No.28, G.N.T.Road(NH5)
Puzhal Junction, Kadirvedu
Village (Near EratattaiEri)
Chennai-600 066.
Represented by its Director.

... Appellant

versus

- 1.M/s.MSC Agency India Pvt. Ltd.,
Having Registered Office at MSC House
Andheri, Kurla Road, Andheri East,
Mumbai, Maharashtra- 400 059.
Also having Branch Office at 1st Floor,
KGN Towers, No.62, Ethiraj Salai,
Egmore, Chennai-600105.
Represented by its authorised signatory,
Mr.A.Umaibalan.



2.Headwin Exim Private Limited,
Having its Registered office at
No.116/2, 1st Floor, 11th Cross Street,
Malleshwaram, Bangaluru, Karnataka,
560003
represented by its Director.

3.M.K.Carbon
No.506, 8th Main, 10th Cross,
Rajmahal Vilas Extension
Sadashiv Nagar, Bangalore-560080

4.Ujwal International
Old No.34, New No.58, Jaffer Sarang Lane
Room No.103, RajajiSalai,
Chennai-600 001.

5.Ningxia TLH Group Company Limited
No.22, Beijing Road, Yinchun,
Ningxia, China,
Represented by its Director.

...

Respondents

PRAYER: Original Side Appeals filed under Clause XV of Letters Patent read with Order XXXVI Rule 9 of the O.S. Rules and Section 13 of the Commercial Courts Act, 2015 read with Clause 15 of the Letters Patent to set aside the order dated 26.09.2019 in Application No.3860 of 2019 in C.S.No.115 of 2019.

For the Appellant
For the Respondents

:Mr.K.Bijai Sundar
:Mr.Deepika Murali
for first respondent in
OSA No.317 of 2019
Mr.Dominic Savio David
for first respondent in
OSA No.23 of 2020



COMMON JUDGMENT

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(Judgment of the Court was delivered by *D.KRISHNAKUMAR, J.*)

OSA No.317 of 2019

Learned counsel appearing for the appellant fairly submitted that the dispute has been settled between the parties. Therefore, no further adjudication is required in the appeal and the OSA has become infructuous.

OSA No.23 of 2020

2. Learned counsel for the appellant submitted that the suit itself has been disposed of. Therefore, no further adjudication is required in the appeal and the OSA has become infructuous.

3. In view of the above statement made by the learned counsel for the appellant in the appeals, both the appeals stand dismissed as infructuous. There will be no order as to costs. Consequently, CMP Nos.25965 of 2019 and 693 of 2020 are closed.

[D.K.K., J.] [P.D.B., J.]
16.10.2023

Index : Yes/No
Neutral Citation : Yes/No
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OSA Nos.317 of 2019 & 23 of 20



D.KRISHNAKUMAR, J.
and
P. DHANABAL
(mrn)

OSA (CAD) Nos.317 of 2019 & 23 of 2020

16.10.2023