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C.S.(Comm. Div.) No.282 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2023

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.S.(Comm. Div.) No.282 of 2023
and O.A.No.964 of 2023
and A.No.6120 of 2023

R.Edwin Samuel

..Plaintiff

.Vs.

1.The Owners and Parties interested in
The vessel MV Navdhenu Purna (IMO-9339765)
presently lying within the territorial limits of
V.O.C. Chidambaranar Port, Tuticorin,
Represented by its Master.

2.The V.O.Chidambaranar Port,
Represented by its Chairman,
Harbour Estate, Tuticorin – 628 004.
Email: info@vocport.gov.in

..Defendants

Prayer: Civil Suit has been filed under Order VI, Rule 1 of the Original Side Rules Order VII Rule 1 of the Code of Civil Procedure, 1908 read with Section 7 of the Commercial Courts Act, 2015 read with Rule 2 of Admiralty Rules, 2020, praying to pass a judgment and decree for:-



(a) For arrest and sale of the Defendant Vessel MV Navdhenu Purna (IMO-9339765), in as is where is condition, presently in Indian waters at the Port of V.O.Chidambaranar, Tuticorin, Tamil Nadu State, India, along with her hull, engines, tackle, machinery, boats, apparel and other paraphernalia against the first defendant;

(b) For a direction to adjust the sale proceeds of the first defendant vessel MV Navdhenu Purna (IMO-9339765), against the suit claim against the first defendant;

(c) For a direction directing the first defendant vessel to indemnify the plaintiff from and against all monies or proforma invoices or charges or fees or whatsoever payments payable by the first defendant vessel MV Navdhenu Purna (IMO-9339765) or its master to the second defendant from 25/10/2023 and demanded from the plaintiff by the second defendant.

(d) Permanent injunction restraining the second defendants or representatives or their agents or men or whomsoever claiming under second defendant from claiming or collecting or demanding or raising or directing the plaintiff to pay or clear all or any pending or future proforma invoices or GST invoices or monies through email or monies through demand letters from the plaintiff as charges or fees or whatsoever receivable from or on account of the first defendant vessel including the proforma invoice dated 09.11.2023 hearing reference CNFASC-CN23-24021695 for INR 1,14,18,708/- (Rupees one Crore Fourteen Lakh Eighteen Thousand Seven Hundred Eight Only) towards the alleged outstanding berth hire and proforma invoice dated 10.11.2023 bearing



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reference CNFASC-CN23-24021838 for INR 9,99,639/- (Rupees Nine Lakh Ninety-Nine Thousand Six Hundred and Thirty-Nine Only) towards shifting charges.

(e)For cost of this suit.

For Plaintiff : Mr.Srinath Sridevan
Senior Counsel for
M/s.Eswar, Kumar & Rao

J U D G M E N T

The learned counsel for the plaintiff has filed a memo seeking permission of this Court to withdraw the suit as the suit claim has been settled. A memo dated 28.11.2023 filed by the learned counsel for the plaintiff is recorded. After recording the said memo, this suit is dismissed as settled out of Court. Refund of full Court fee is ordered. Since the suit has been dismissed as settled out of Court, the arrest warrant issued against the 1st defendant vessel is now lifted.

2.The Registry is directed to issue the release warrant in respect of the 1st defendant and is directed to handover the same to the learned counsel for the



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ABDUL QUDDHOSE, J.,

SSR

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plaintiff to enable the learned counsel for the plaintiff to communicate with the 2nd defendant and obtain release of the 1st defendant vessel. In view of the suit being dismissed as settled out of Court, the interlocutory applications viz., O.A.Nos.964 of 2023 and A.No.6120 of 2023 are also closed.

28.11.2023

Index: Yes/No

Speaking / Non speaking

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Note:Registry is directed to issue the release warrant today (i.e., on 28.11.2023).

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