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C.S.(Comm.Div.)No.55 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.S.(Comm.Div.)No.55 of 2024

Torque Technics,
Represented by its Authorized Representative
M.Gurunathan,
37/20, 3rd Lane,
North Beach Road,
Chennai - 600 001.

... Plaintiff

Vs.

1.Owners and Parties interested in vessel
Navdhenu Purna having IMO No.9339765,
Now lying at within VOC Port Limits,
Tuticorin, Represented by its Master.

2.Arcadia Shipping Limited,
Owners of Navdhenu Sun,
Having IMO No.9246891,
222, Tulsiani Chambers,
Nariman Point, Mumbai - 400 021.

... Defendants

Prayer: This Civil Suit is filed under Order IV Rule 1 of the Original Side Rules read with Order VII Rule 1 of the Code of Civil Procedure, 1908, with Sections 3, 4, 5 and 16(2) and 3 of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017, prayed for the following reliefs:-



C.S.(Comm.Div.)No.55 of 2024

a) That a Judgment and decree for a sum of Rs.16,22,325/- (Rupees Sixteen Lakhs Twenty-Two Thousand Three Hundred and Twenty-Five only) together with interest accrued therein from the date of plaint till date of realization on Rs.13,72,029/- (Rupees Thirteen Lakhs Seventy-Two Thousand and Twenty-Nine only) with interest @ 20.25% calculated as per "Sections 15 and 16 of MSMED Act, 2006.

b) That the defendant Vessel-1 be detained/arrested/restrained from sailing away from the Port Limit of Tuticorin/Indian Territorial Waters by an order of arrest/injunction, together with her hull, tackle engine, machinery, spares, gear, apparel, paraphernalia, furniture articles, things on board etc.,

c) That the defendant Vessel-1 to be ordered and decreed to be sold through Court and the amounts realized be directed to be paid to the plaintiff towards the suit claim made in prayer (a) above.

d) Award cost of the suit.

For Plaintiff : Mr.Puhazh Gandhi.P

JUDGMENT

The learned counsel for the plaintiff submits that after the order was passed by this Court on 06.03.2024, the dispute between the plaintiff and the defendants has been settled.

2. To that effect, the learned counsel for the plaintiff has also



C.S.(Comm.Div.)No.55 of 2024

WEB COPY

filed an affidavit duly signed by one M.Gurunathan, who is an Authorized Representative of the plaintiff.

3. Paragraph 4 of the withdrawal affidavit reads as under:-

"4. I state that immediately thereafter the defendants made the full payment to the plaintiff and the matter is settled out of Court.

Therefore, the plaintiff wishes to withdraw the suit as nothing survives. Therefore, it is humbly prayed that this Hon'ble Court may be pleased to permit the plaintiff to withdraw the suit in C.S.No.55 of 2024 and the consequential Application No.1302 of 2024 and further the Court Fee paid may be refunded to the plaintiff in accordance to the rules and practice of this Hon'ble Court."

4. Recording the above, this Civil Suit is dismissed as having been settled out of Court. No costs.

5. Registry is directed to process the refund of Court Fee in accordance with the provisions of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955.

C.SARAVANAN, J.



C.S.(Comm.Div.)No.55 of 2024

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6. The warrant of arrest issued on the first respondent is hereby
cancelled.

08.03.2024

Internet : Yes / No

Index : Yes / No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes / No

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Note: Issue Order Copy Today i.e., on 08.03.2024.

C.S.(Comm.Div.)No.55 of 2024