



WEB COPY



Judgment dated 02.04.2024
in C.S.(Comm.Div).No.80 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.04.2024

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.S.(Comm.Div).No.80 of 2024

1. Mr.Dheeraj Pal Singh
2. Mr.Dhanraj Devidas Gaikwad
3. Mr.Dhanendra Kumar Yadav
4. Mr.Abhishek Anand
5. Mr.Owais Raza
All the above plaintiffs are represented
by their General Power of Attorney Agent
Mr.R.Vetrivel

.. Plaintiffs

Vs.

Owners and Parties interested in
the Vessel Navdhenu Purna,
which is presently lying at the
V.O.C. Port Authority, Tuticorin,
Tamil Nadu, and represented
herein by her Master

.. Defendant

Plaint filed under Order VII Rule 1 CPC read with Sections 4 and 5 of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 and Sections 7 and 12 of the Commercial Courts Act, 2015, praying for judgment and decree against the owners of the defendant Vessel Navdhenu Purna:

(a) for a sum of US \$ 15,164.20, equivalent to INR 12,57,263.82 at the exchange rate of 1 USD = INR 82.91 as on 18.03.2024 or such higher rate prevailing on the date of the decree together with interest at 18% per annum (being a commercial transaction) from the date of filing of the suit till payment and/or realization thereof to be paid to the first plaintiff;

(b) for a sum of US \$ 9,763.72, equivalent to INR 8,09,510.02 at the exchange rate of 1 USD = INR 82.91 as on 18.03.2024 or such higher rate prevailing on the date of the decree together with interest @ 18% per annum (being a commercial transaction) from the date of filing of the suit till payment

Page No.1/4



Judgment dated 02.04.2024
in C.S.(Comm.Div).No.80 of 2024

and/or realization thereof to be paid to the second plaintiff;

(c) for a sum of US \$ 3,439.25, equivalent to INR 2,85,148.21 at the exchange rate of 1 USD = INR 82.91 as on 18.03.2024 or such higher rate prevailing on the date of the decree together with interest @ 18% per annum (being a commercial transaction) from the date of filing of the suit till payment and/or realization thereof to be paid to the third plaintiff;

(d) for a sum of US \$ 4656.30, equivalent to INR 3,86,053.83 at the exchange rate of 1 USD = INR 82.91 as on 18.03.2024 or such higher rate prevailing on the date of the decree together with interest at 18% per annum (being a commercial transaction) from the date of filing of the suit till payment and/or realization thereof to be paid to the 4th plaintiff;

(e) for a sum of US \$ 774.97, equivalent to INR 64,252.76 at the exchange rate of 1 USD = INR 82.91 as on 18.03.2024 or such higher rate prevailing on the date of the decree together with interest at 18% per annum (being a commercial transaction) from the date of filing of the suit till payment and/or realization thereof to be paid to the fifth plaintiff;

(f) for an order of arrest of the defendant Vessel Navdhenu Purna in 'as is where is' condition, together with her hull, gear, tackle, engines, machinery, bunkers, equipment, furniture, fixture and all other paraphernalia and appurtenances, presently lying at the V.O.C. Port Authority, Tuticorin, Tamil Nadu;

(g) for an order of sale of the defendant Vessel Navdhenu Purna in 'as is where is' condition, together with her hull, gear, tackle, engines, machinery, bunkers, equipment, furniture, fixture and all other paraphernalia and appurtenances, presently lying at the V.O.C. Port Authority, Tuticorin, Tamil Nadu and to adjust the sale proceeds of the Vessel against the plaintiffs' claim;

(h) for costs of the suit.

For plaintiff : Mr.M.B.Raghavan for M/s.M.B.Gopalan Associates

JUDGMENT

In view of the endorsement made by the learned counsel for the plaintiffs on the plaint, the suit is dismissed as settled out of Court and the arrest warrant

Page No.2/4



Judgment dated 02.04.2024
in C.S.(Comm.Div).No.80 of 2024

of the defendant-Vessel, which is now lying in the Port of Tuticorin, is recalled. Registry is directed to refund the necessary Court fees, if the plaintiffs are otherwise eligible, as per the existing Rules. There shall be no order as to costs. Consequently, A.No.1879 of 2024 is closed.

02.04.2024

CS



WEB COPY



Judgment dated 02.04.2024
in C.S.(Comm.Div).No.80 of 2024

P. VELMURUGAN, J

CS

C.S.(Comm.Div).No.80 of 2024

02.04.2024

Page No.4/4