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C.R.P.No.1469 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.1469 of 2020 and

C.M.P.No.8512 of 2020

Shri.L.M.Mohamed Mohideen

Proprietor of

M/s.Flower Garden

212, BK Street, Fort, Coimbatore-641 001.

... Petitioner

Vs.

1,M/s.RR Shipping Private Limited,

Represented by its Director

Old.No.299, New. No.68,

Ground Floor, Thambu chetty street,

Parrys, Chennai-600 001.

And also

Having their Port Office at

F-711, Seawoods Grand Central,

Tower-2, Plot No.R-1, Sector-40,

Seawoods, Navi Mumbai-400 706.

2.M/s.Century Container Lines Shipping Co.Ltd.,

Shanghai, China

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India,praying to set aside the impugned order dated 24.07.2020 passed in I.A.No.1 of 2020 in O.S.No.2128 of 2020 on the file of the IV Assistant City Civil Court at Chennai.



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For Petitioner	: Mr.Sethu Prabhakaran.R for Mr.Hari Radhakrishnan
For Respondents 1	: Served-no appearance
For respondent 2	: Not ready in notice

ORDER

The Civil Revision Petition is filed challenging the order passed by the Trial Court allowing the application filed by the petitioner seeking release of cargo.

2. The Trial Court, at the time of allowing the application for release of cargo, imposed a condition that cargo shall be released by respondent only after receiving the short payment. Aggrieved by the same, the petitioner has preferred the above revision.

3. This Court, by interim order dated 17.08.2020, directed the 1st respondent to release the cargo covered by Bill of Lading No.SHSL200212769 dated 25.02.2020 forthwith without insisting detention charges for the present. This Court also made it clear that the interim order is subject to the result of the main suit.



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4. When the matter is taken up for hearing, the learned counsel for the petitioner submitted that as per the interim direction by this Court, the petitioner filed affidavit of undertaking that he would clear the payment if it is found due by the Trial Court. As per the interim order dated 17.08.2020, the respondent also released the cargo after filing of affidavit of undertaking by the petitioner.

5. In view of the fact that the 1st respondent had already released the cargo based on the affidavit of undertaking filed by the petitioner to pay detention charges, in case, the same was found due by the Trial Court, no further adjudication is necessary in this revision and accordingly, the same is closed.

6. With these observations, this Civil Revision Petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes / No

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S.SOUNTHAR, J.

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To

The learned IV Assistant City Civil Judge, Chennai.

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and

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