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C.M.A.No.3228 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2024

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

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M/s.Sooriya Traders,
rep. by its Partner
Elayathambi Thavagnanasuriyan,
and having office at
N.191, 5th Cross Street,
Colombo-11, SriLanka,
rep. by its Power Agent Stephan Paul,
son of Paul Manoharan,
No.1/1, Mathiyas Nagar,
St. Thomas Mount, Chennai-600 016.

.. Appellant

VS

1.M/s.Devganesh Exporters,
D.No.2-221, Sivareddy Palem,
Guntur, Andhra Pradesh-522 509
Also at
Radhakrishna Cold Storage,
Uppara Palam, V.Mandal,
Guntur District, Andhra Pradesh-500 005.



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2.Subba Rao,
Prop of M/s.Devganesh Exporters,
Radhakrishna Cold Storage,
Uppara Palam, V.Mandal,
Guntur District,
Andhra Pradesh-500 005.

3.Anka Babu,
Authorised representative of
M/s.Devganesh Exporters,
Radhakrishna Cold Storage,
Uppara Palam, V.Mandal,
Guntur District,
Andhra Pradesh-500 005.

4.JST Maritime Pvt. Ltd.,
rep. by its Senior Customer Service Rajkumar,
New No.24, Old No.322, Thambu Chetty Street,
Chennai-600 001.

.. Respondents

Prayer : Appeal under Section 13 of the Commercial Courts Act read with Order 43, Rule 1 CPC to set aside the docket order dated 6.6.2024 on the file of Commercial Court, Chennai at Egmore.

For Appellant : Mr.S.Balasubramanian

JUDGMENT

(Delivered by *Senthilkumar Ramamoorthy, J.*)

After the matter was heard for some time, learned counsel for the



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appellant sought leave to withdraw the appeal, subject to refund of the court-fee.

2. By directing that the court-fee be refunded in the name of advocate for appellant (who shall provide an account in respect thereof to the appellant), within four weeks of making appropriate application, the appeal is dismissed as withdrawn without any order as to costs. The time taken in the prosecution of this appeal (from 06.06.2024 till date) shall stand excluded for the purposes of re-presentation of the plaint before the jurisdictional civil court. There shall be no order as to costs.

(K.R.SHRIRAM, C.J.)

(SENTHILKUMAR RAMAMOORTHY,J.)

16.12.2024

Index : Yes

NC : Yes

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To
The District Judge,
Commercial Court,
Egmore, Chennai-600 008.



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THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY,J.

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