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O.S.A. (CAD) No.9 of 2024
and Cross Objection No.20 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2024

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **K.GOVINDARAJAN THILAKAVADI**

O.S.A. (CAD) No.9 of 2024
and
Cross Objection No.20 of 2024

O.S.A. (CAD) No.9 of 2024

MSC Agency India Pvt. Ltd.,
Having Registered Office at
MSC House, Andheri Kurla Road,
Andheri (East), Mumbai,
Maharashtra – 400 059

Also having Branch Office at:
1st Floor, KGN Towers,
No.62, Ethiraj Salai, Egmore,
Chennai – 600 105 rep. By its
Authorised Signatory Mr.A.Umaibalan

.. Appellant

Vs

1.Calyx Container Terminal Private Limited,
No.28, GNT Road (NH 5), Puzhal Junction,
Kathirvedu Village, (Near Erattai Eri),
Chennai – 600 066 rep. By its Director

2.Headwin Exim Private Limited
Having its Registered Office at
No.116/2, 1st Floor, 11th Cross Street,
Malleshwaram, Bengaluru,
Karnataka – 560 003
rep. By its Director

3.M.K.Carbon



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4.Ujwal International,
Old No.34, New No.58,
Jaffer Sarang Lane,
Room No.103, Rajaji Salai,
Chennai – 600 001.

5.Ningxia TLH Group Company Limited,
No.22, Beijing Road,
Yinchun, Ningxia, China rep. By its Director

.. Respondents

Cross Objection No.20 of 2024

M/s.Calyx Container Terminal Ltd.,
No.28, GNT Road (NH 5), Puzhal Junction,
Kathirvedu Village, (Near Errattai Eri),
Chennai – 600 066

.. Cross Objector

Vs

1.MSC Agency India Pvt. Ltd.,
Having Registered Office at
MSC House, Andheri Kurla Road,
Andheri (East), Mumbai,
Maharashtra – 400 059

Also having Branch Office at:
1st Floor, KGN Towers,
No.62, Ethiraj Salai, Egmore,
Chennai – 600 105 rep. By its
Authorised Signatory Mr.A.Umaibalan

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Old No.34, New No.58,
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Room No.103, Rajaji Salai,
Chennai – 600 001.

5.Ningxia TLH Group Company Limited,
No.22, Bejing Road,
Yinchun, Ningxia, China rep. By its Director .. Respondents

Prayer in O.S.A. (CAD) No.9 of 2024 : Appeal filed under Order XXXVI Rule 9 of O.S. Rules r/w Clause 15 of the amended Letters Patent and r/w Section 13 of The Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts (Amendment) Act against the judgment and decree dated 25.07.2023 made in C.S. No.115 of 2019.

Prayer in Cross Objection No.20 of 2024 : Cross Objection filed under Section 96 r/w Order XLI Rule 22 of The Code of Civil Procedure against the judgment dated 25.07.2023 made in C.S. No.115 of 2019.

O.S.A. (CAD) No.9 of 2024:

For Appellant : Mr.P.Giridharan
For Respondents : Mr.K.Bijai Sundar for R1
Not ready in notice for R2 to R5

Cross Objection No.20 of 2024:

For Cross Objector : Mr.K.Bijai Sundar
For Respondents : Mr.P.Giridharan for R1



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COMMON JUDGMENT

(Judgment of the Court was delivered by **M.Sundar, J.**)

Mr.P.Giridharan, learned counsel on record for appellant seeks leave of this Court to withdraw captioned 'Original Side Appeal' (hereinafter 'OSA' for the sake of brevity) saying that the matter has been settled as between the parties by resorting to mediation, saying so, learned counsel has made an endorsement in the case file and scanned reproduction of the same are as follows:

OS - 7/18/24
Settled in mediation
Centre for Mediation of Settlement
dated 28/8/24 Hence withdrawn
P. Giridharan
for appellant.
30/8/24
Sms



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2. In the light of the aforementioned endorsements, Mr.K.Bijai

Sundar, learned counsel for Cross-objector submits that he would also withdraw the captioned Cross Objection. Learned counsel has made an endorsement in the case file and a scanned reproduction of the same is as follows:

Cross objection is not
pressed
[Signature]
30/8/24

3. Learned counsel for appellant in captioned OSA Mr.P.Giridharan, requests for refund of court fee in the light of Section 69-A of 'Tamil Nadu Court-Fees and Suits Valuation Act, 1955 (Tamil Nadu Act XIV of 1955)' (hereinafter 'TN Court Fees Act' for the sake of brevity) and judgment of Hon'ble Supreme Court in **M.C.Subramaniam's** case (**The High Court of Judicature at Madras rep. By its Registrar General Vs. M.C.Subramaniam**



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and Others) being order dated 17.02.2021 made in S.L.P. (Civil)

Nos.3063-3064 of 2021 (Diary No.3869-2021). Even though the captioned matter has been settled by resorting to mediation even if it is construed as out of Court settlement, the appellant will be entitled to refund of court fee.

4. Request for refund of court fee acceded to with a further directive to the Registry to complete the refund procedure as expeditiously as the business of the Registry would permit but in any event within six weeks from today i.e., by 18.10.2024 subject only to the counsel for appellant adhering to the prescribed procedure and subject to statutory deductions, if any. The refund shall be by way of an instrument drawn in favour of the appellant.

5. In the light of the narrative thus far, captioned OSA and captioned Cross Objection are disposed of as withdrawn. There shall be no order as to costs.

**(M.S.J.) (K.G.T.J.)
30.08.2024**

Index:Yes/No
Neutral Citation: Yes/No
mmi

To



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The Sub Assistant Registrar,
Original Side, High Court,
Madras.



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**M.SUNDAR.J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,
mmi**

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