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C.S.(Comm.Div.)No.41 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

C.S.(Comm.Div.) No.41 of 2024
and A.Nos.1055, 1056, 1057 & 2688 of 2024

M/s.Nessa Ship Management Private Limited
Represented by its Managing Director / Authorized Representative
Having their Registered Office at No.1001,
th
10 Floor, Bay View Tower, Plot No.7,
Sector – 11, CBD Belapur, Navi Mumbai 400 614. ... Plaintiff

-VS-

- 1.Owners and Parties interested in the Vessel “ACCOMLICE (IMO No.9164079)” flying a palu flag together with her hull, tackle engines, machinery, paraphernalia and all her appurtenant on board presently in the territorial waters of India, in Tuticorin Port limits and Represented by its Master.
- 2.Owners and Parties interested in the Vessel “AVADH (IMO No.9564358)” flying a palu flag together with her hull, tackle engines, machinery, paraphernalia and all her appurtenant on board presently in the territorial waters of India, in Tuticorin Port limits and Represented by its Master.
- 3.Owners and Parties interested in the Vessel “OCEANLEC 263 (IMO No.9506978)” flying a palu flag together with her hull, tackle engines, machinery, paraphernalia and all her appurtenant on board presently in the territorial waters of India, in Tuticorin Port limits and Represented by its Master.
- 4.M/s.The Middle East Marine LLC
No.3401, Burlington Tower,
Business Bay, Dubai,
PO Box 115150, UAE. ... Defendants



C.S.(Comm.Div.)No.41 of 2024

PRAYER: Civil Suit (Commercial Division) filed under Section 3, 4, 5 and 16(2) and (3) of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 Read With Order VII Rule 1 Civil Procedure Code, 1908, praying to grant a judgment and decree on the following terms:-

(a) Let a Judgment and decree for USD 3,00,496.47/- (Three Lakhs Four Hundred Ninety Six U.S.Dollars and Forty Seven cents only) be passed against the Defendants and further they be ordered / directed to pay the Plaintiff the aforesaid amount with 12% interest on USD 3,00,496.47/- from the date of suit till the date of payment and realization in full:

(b) Let the Defendant vessel 1 to 3 be detained / arrested / restrained from sailing away from the Port limits 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 3 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.S.Raghunathan, Ms.V.Shranya

For Defendants : Mr.S.Vasudevan

JUDGMENT

Both learned counsel for the plaintiff and learned counsel for the defendants submit that parties have reached a settlement and recorded the



C.S.(Comm.Div.)No.41 of 2024

terms thereof in joint memorandum of compromise dated 11.04.2025.

The said joint memorandum of compromise has been placed on record.

In view thereof, both the plaintiff and the defendants seek refund of the entire court fee paid on the plaint and on the counter claim, respectively.

2. Since parties have concluded an out of court settlement and provided proof thereof, C.S.(Comm.Div.) No.41 of 2024 is dismissed as settled out of court by directing refund of court fee to the plaintiff and the fourth defendant with regard to amounts paid on the plaint and counter claim, respectively. As a consequence of the settlement, warrant for release of the barge 'Mettle' shall be issued in accordance with the admiralty rules. Consequently, the connected applications are closed.

23.04.2025

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No

Note: Issue order copy today, (i.e.)on 23.04.2025



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C.S.(Comm.Div.)No.41 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2026

CORAM:

THE HONOURABLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

C.S.(Comm.Div.)No.41 of 2024

and A. Nos.1055, 1056, 1057 and 2688 of 2024

M/s.Nessa Ship Management Private Limited
represented by its Managing Director/
Authorised Representative
Having their Registered Office at
No.1001, 10th Floor, Bay View Tower,
Plot No.7, Section – 11, CBD Belapur,
Navi Mumbai – 400 614.

... Plaintiff

vs.

- 1.Owners and Parties interested in the Vessel
"ACCOMLICE (IMO No.9164079)" flying a palu flag
together with her hull, tackle engines, machinery,
paraphernalia and all her appurtenant on board
presently in the territorial waters of India in
Tuticorin Port limits and represented by its Master
- 2.Owners and Parties interested in the Vessel
"AVADH (IMO No.9564358)" flying a palu flag
together with her hull, tackle engines, machinery,
paraphernalia and all her appurtenant on board
presently in the territorial waters of India in
Tuticorin Port limits and represented by its Master
- 3.Owners and Parties interested in the Vessel
"OCEANLEC 263 (IMO No.9506978)" flying a palu flag
together with her hull, tackle engines, machinery,
paraphernalia and all her appurtenant on board
presently in the territorial waters of India in
Tuticorin Port limits and represented by its Master



C.S.(Comm.Div.)No.41 of 2024

4.M/s.The Middle East Marine LLC,
No.3401, Burlington Tower,
Business Bay, Dubai, PO Box 115150,
UAE.

... Defendants

For Plaintiff : Mr.S.Raghunathan
for Ms.V.Sharanya

For Defendants : Mr.S.Vasudevan

ORDER

By judgment dated 23.04.2025, the suit was decreed as settled out of court and refund of court fee was ordered. The matter is listed today upon being mentioned. Both learned counsel for the plaintiff and learned counsel for the defendants submit that there is a difficulty in acting on the order of refund. Therefore, they make a request for refund of court fee to the fourth defendant be made to counsel for the fourth defendant Mr.S.Vasudevan. By acceding to the said request, the Registry is directed to re-issue the judgment by modifying the first sentence of paragraph no.2 thereof as follows:

'2. Since parties have concluded an out of court settlement and provided proof thereof, C.S. (Comm.Div.) No.41 of 2024 is dismissed as settled out of Court by **directing refund of court fee to**



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C.S.(Comm.Div.)No.41 of 2024

the plaintiff and Mr.S.Vasudevan, learned counsel for the fourth defendant with regard to amounts paid on the plaint and counter claim, respectively.'

2. Subject to the production of an authorisation letter in this regard, the Registry is directed to hand over the cheque for refund of court fee to the plaintiff to learned counsel Mr.S.Raghunathan. The Registry is further directed to expedite the refund of court fee both to the plaintiff and the fourth defendant.

05.01.2026

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C.S.(Comm.Div.)No.41 of 2024

SENTHILKUMAR RAMAMOORTHY,J.

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C.S(Comm.Div)No.41 of 2024

05.01.2026