



WEB COPY

AS No. 970 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

AS No. 970 of 2015
and CRP.Nos.2929 & 2930 of 2013

AS No. 970 of 2015

1. M/s M.R.F.Ltd.,
Having their Regd.Office at
No.124, Greams Road, Chennai 6,
herein Represented by their Subrogee/
Power Agent
M/s.United India Insurance Co.Ltd.,
2. M/s.United India Ins.Co.Ltd.,
A Public Ltd Company, Having Their
Regd.Office At No.24, Whites Road,
Chennai 14.

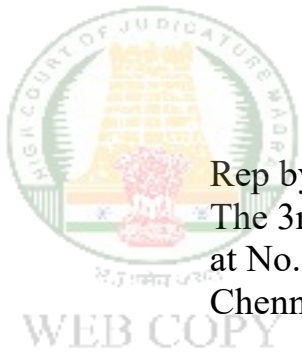
..Appellant(s)

Vs

1. Lufthansa German Airlies(Cargo Division)
is an International Air Carrier
Reg.In The Federal Republic of Germany
having their Head Office at Von-Gablenz Strabe,
2-6, D-50679 Cologne, Germany.

Herein represented by their General Sales Agency
M/s.Bobba Aviation Services Pvt., Ltd.,
A Private Ltd., Company incorporated under
the Companies Act having their place of business
at 24 & 25, Integrated Cargo Complex,
Phase I, Meenambakkam, Chennai – 600 027.

2. M/s. DFDS Transport (US)
Rep by M/s.Flyjac Logistics,
carrying on business at
No.2525, Busse Rd. STE 3100
Elk Grove Village IL-60007



Rep by their Local Agent
The 3rd Defendant herein carrying on business
at No.3, Davidson Street, Broadway,
Chennai – 600 001.

3. M/s. Flyjac Logistics,
No.3, Davidson St, Broadway, Chennai 1.

..Respondent(s)

PRAYER:- Appeal filed under Order XLI Rule 1 r/w/ Section 96 of CPC, to set aside the judgement and decree dated 29.04.2010 in O.S.No.4243 of 2008 on the file of the Additional Judge-III, City Civil Court, Chennai

For Appellant(s): Mr.Nageswaran

For Respondent(s): Mr.Sai Srujan Tayi for R1
for M/s.Giridhar and Sai

R2 - Exparte Vide Eb

Mr.T.V.Badrinarayanan for R3

CRP.Nos.2929 & 2930 of 2013

M/s. Flyjac Logistics,
No.3, Davidson St, Broadway, Chennai 1.

... Petitioner(s) in both CRPs

Vs

1.M/s M.R.F.Ltd.,
Having their Regd.Office at
No.124, Greams Road, Chennai 6,
herein Represented by their Subrogee/
Power Agent
M/s.United India Insurance Co.Ltd.,

2. M/s.United India Ins.Co.Ltd.,
A Public Ltd Company,
Having Their Regd.Office At No.24, Whites Road,
Chennai 14.



3. Lufthansa German Airlines (Cargo Division),
Having their head office at Von-Gablenz-Strabe
2-6, D-50679, Cologne, Germany
herein represented by
M/s.Bobba Aviation Services Pvt. Ltd., at
24 & 25, Integrated Cargo Complex, Phase-I,
Meenambakkam, Chennai – 600 027.

4. M/s.DFDS Transport (US)
represented by Flyjac Logistics,
At No.2525, Bussee Rd. STE 3100,
Elk Grove Village IL60007,

Represented by local agent Flyjac Logistics,
No.3, Davidson Street, Broadway.

(fourth respondent given up in trial Court and CRP)

... Respondent(s) in CRPs

COMMON PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the common order and decretal order dated 29.04.2010 in I.A.No's.18600 & 18601 of 2011 in O.S.No.4243 of 2008 on the file of the Additional Judge-III, City Civil Court at Chennai and allow I.A.No.'s 18600 & 18601 of 2011 in O.S.No.4243 of 2008.

For Petitioner(s) : Mr.T.V.Badrinarayanan

For Respondent(s) : Mr.Nageswaran for RR1 & 2
& Ms.Narichania
Mr.Sai Srujan Tayi for R3
for M/s.Giridhar and Sai
R4 - Exparte Vide Eb

COMMON JUDGMENT

The suit had been instituted by the appellant seeking for damages to the goods that were booked with the first defendant carrier through the second and



third defendants. The suit was dismissed as against the first defendant, whereas the decree against the second the third defendants had been passed setting them *ex-parte*. The second and third defendants had taken out an application to set aside the *ex-parte* decree and also an application to substitute the third defendant, which were dismissed by the Court against which these Civil Revisions have been filed and the appeal suit had been filed by the plaintiff challenging the dismissal of the suit as against the first defendant.

2. During the pendency of these proceedings, a compromise had been arrived at between the plaintiff, first and third defendants, pursuant to which the parties have settled their dispute that was adjudicated in O.S.No.4243 of 2008. In view of the agreement that had been arrived at between the parties and placed before this Court and the Joint Memo filed by the learned counsels appearing on either side, the Appeal suit as well as both the Civil Revision Petitions are disposed of as being settled out of Court. The appellant is also entitled for refund of Court fee as per the Rules applicable. The said Joint Memo shall form part of this judgment. No costs.

21-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

1. The Additional Judge-III,
City Civil Court at Chennai.

2. The Section Officer,
VR Records,
Madras High Court,
Chennai.



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K.KUMARESH BABU, J.

GBA

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