

C.S.No. 127 of 2005**C.V.KARTHIKEYAN J,**

Heard the learned counsel for the plaintiff Mr.R.Karthikeyan and the learned counsel for the defendant Mr.R.N.Amarnath.

2. It is stated that the suit had been filed for recovery of a sum of Rs.1,08,84,931/- together with interest. The specified value is more than one crore.

3. It is represented that the cause of action for institution of the suit arose when a vessel "MV Island Pride" had berthed in the Port and was later sold to the defendant. The plaintiff had granted 80% waiver of port charges to the owner and the defendant also claimed the same relief and concessions. However, the plaintiff invoked Section 64 of the Major Port Trust's Act, 1961 and Regulation 495) of the Madras Port Trust (Distrain Arrest and Sale of Vessel) Regulation to sell the vessel. The sale price did not satisfy the Port charges raised. Hence, the suit had been laid to recover the charges.

4. The defendant has also filed written statement with counter claim for damages.

5. It is stated that the lis involves a money claim.

6. It is stated that it cannot be termed as a 'commercial dispute'.

7. In view of that fact, the matter may be listed before the Original Side of the High Court.

8. Registry may also list A.No. 5670 of 2017 which is an application to file additional documents filed by the plaintiff.

Vsg

15.09.2020

C.S.No. 127 of 2005

सत्यमेव जयते

WEB COPY