



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **13.07.2023**

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THE HONOURABLE Ms. JUSTICE R.N.MANJULA

C.S. No.21 of 2023

and

A.Nos.585,586,870,1103,1104,1102,1101,1106,1105,1504 & 1505 of 2023

M/s. Lighthouse Marine Service India Private Limited,
A Company registered under the Indian Companies Act, 2013
and having its Registered Office at Flat No.A8,
Srinivasa Arcade, II Floor, 1 /2 Arunachalam Road,
Saligramam, Chennai – 600 093
represented by
its Managing Director.

... Plaintiff

Vs.

Owners and Parties interested in the Vessel
M.V.Mahavir having IMO No:9209491
now lying at the Kamarajar Port Limited,
Ennore
represented herein by her Master

... Defendants

Civil Suit is filed under Order XLII Rules 1,2 and 3 of the Original Side Rules read with Order VII Rule 1 of the Code of Civil Procedure and Section 2(1)(c)(iii) of the Commercial Courts Act, 2015 (as amended) and Section 4(i) (l) and Section 5 of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017.



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For Plaintiff : Mr.R.Venkatesh

For Defendant : Mr.B.Dhanaraj

JUDGMENT

When the matter is taken up today, the learned counsel for the plaintiff filed an affidavit dated 12.07.2023 stating that the dues have been paid and as of now there are no pending dues.

2. It is worthwhile to refer paragraph No.4 of the said affidavit which reads as follows:

“ ...4. It is respectfully submitted that the total amount of Rs.4,13,00,000/- has been settled to the vendors and after settled the above said amount, there was balance no amount available to pay the GST amount. Therefore we are unable to pay the GST, TDS, PF amount within the stipulated time. As per the undertaking affidavit filed by me dated 28.03.2023, this Hon'ble Court was granted four weeks time to settle the entire due amount to the concern authorities. I am unable to pay GST amount, since the entire amount has been settled to the vendors only. Due to the financial situations only, we unable to pay the GST amount in time and now I pledged my wife's jewels and we have settled the entire GST, TDS, PF amount and as on date no due is pending.”



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3. In view of the submission made by the learned counsel for the plaintiff and the affidavit filed, the Civil Suit is dismissed as settled out of Court. No costs. The plaintiff is entitled to avail full Court fee as per the Judgment of the Hon'ble Supreme Court in ***“The High Court of Judicature at Madras Vs. M.C.Subramanian and others”*** in ***S.L.P.Nos.3063 & 3064 of 2021*** dated 17.02.2021. Connected applications are closed.

13.07.2023

Index : Yes/No
Speaking Order : Yes / No
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R.N.MANJULA, J.,

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