

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY & VICE ADMIRALTY JURISDICTION
ADMIRALTY SUIT (L) NO. 216 OF 2016

MES TECHNOSERVICE CO. LTD.

...PLAINTIFF

VERSUS

M.V. "TEKTONEOS" (IMO 9047063)

...DEFENDANT

Mr. Rahul Narichania, Sr. Adv. i/b. M/s. Mulla & Mulla & Craigie Blunt & Caroe Advocate for the Plaintiff.

Mr. Shyam Kapadia a/w. Mr. Nihal Shaikh i/b. Adv. Mr. Mustafa Motiwala, Advocate for the Defendant.

CORAM: S. J. KATHAWALLA, J.

DATED: 17TH MARCH 2016

P.C.:

1. Mentioned not on board. Taken on Board.
2. Learned Advocate for the Plaintiff states that in light of a settlement being reached with the Owners of the Defendant Vessel for the principal sum of JPY 5,898,368 and USD 7,957.51, towards legal costs and sheriff's costs, the Plaintiff seeks to withdraw the suit with withdrawal of Court fees in favour of the Plaintiff's Advocates. The Suit accordingly is allowed to be withdrawn with refund of Court fees as per High Court Rules.

3. The Caveat against Release Book has been searched and verified. There is no Caveat against Release of the Defendant Vessel.

4. The Order of Arrest dated 11th March 2016 against the Defendant Vessel stands vacated. In light of the above, the Defendant Vessel hereby stands immediately released and is permitted to sail forthwith from the Port of Kandla. The formal Warrant of Release is dispensed with.

5. The Plaintiff undertakes to pay the sheriffs poundage within two weeks from today

6. The office of the Sheriff of Bombay shall forthwith be served with copy of this order by the Advocates for the Plaintiff and is directed to take necessary steps to ensure release of the vessel.

7. The Defendants' Advocate have been granted liberty to communicate the order of Release vide fax, email to all concerned authorities, as necessary.

8. The Port Authorities at Kandla, Custom Authorities and all concerned authorities to act on an email/ fax copy of this order duly signed by the Associate of this Court and grant necessary Port Clearance to the Defendant Vessel.

[S. J. Kathawalla, J.]