

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY AND VICE ADMIRALTY JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ADMIRALTY SUIT (L) NO. 261 OF 2016

Solar Industries India Limited, ... Plaintiff

Versus

M.V. PACIFIC VOYAGER (IMO No. 9003835) ...Defendant

Mr. Shiv Iyer with Mr. Mahesh Mahale i/b M/s. Ganesh & Co., Advocate for the Plaintiff

Mr. Shiv Iyer with Mr. Mahesh Mahale i/b M/s. Ganesh & Co., Advocate for the Caveator in Caveat (against Release) No. 48 of 2016

Ms. Apurva Pohonerkar Mehta i/b S . Priya, Advocate for the Defendant.

CORAM : S. J. KATHAWALLA, J.

DATED : 21ST DECEMBER, 2016

P.C :-

1. Not on board. Upon mentioning, taken on board.
2. Heard Counsel appearing for both the parties. Counsel for the Plaintiff states that there is a Caveat (against Release) No. 48 of 2016 against the Defendant Vessel filed by one, IDL Explosives Ltd., and that they are also acting for the Caveator.
3. Parties, including the Caveator, IDL Explosives Ltd, have settled the dispute amicably and have entered into a Settlement Agreement dated 19th December, 2016

and signed on 20th and 21st December, 2016 by the parties respectively and have exchanged the said executed Settlement Agreement (by respective parties) by email correspondence between their lawyers. The said scanned copies of Settlement Agreement has been taken on record and marked as (X).

4. Plaintiff withdraws the present Admiralty Suit against the Defendant Vessel, in terms of the Settlement Agreement.

5. In view of the Settlement Agreement dated 19th December, 2016, Counsel for the Caveator states that they have withdrawn the Caveat (against Release) no. 48 of 2016. Upon taking search of the Caveat (against Release) Book, no other Caveats are pending against the release of the Defendant Vessel.

6. In these circumstances, the Defendant Vessel shall be released immediately and Order of arrest dated 25th November, 2016 to stand vacated and the suit is allowed to be withdrawn.

7. The Plaintiff undertakes to pay Poundage of Rs. 9,481/- on the settlement amount i.e 1% of Rs 9,48,168/- (being the Indian Rupee Equivalent of United States Dollars Fourteen Thousand only,) within 7 days from the date of this Order.

8. Court fee to be refunded to the Plaintiff, as per High Court Rules.

9. Instrument of Release to be dispensed with.

10. All Port, Customs and all concerned authorities to immediately act on a copy of the order duly authenticated by the Associate of this Court and Communicated to

them by fax /email /Courier /hand delivery. Port Customs, and other concerned authorities shall not insist on Original copies of this order for its timely execution.

(S.J. KATHAWALLA, J.)