

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY AND VICE ADMIRALTY JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ADMIRALTY SUIT (L) NO. 292 OF 2017

Modest & Parson International Pvt Ltd. ... Plaintiff

MV Tuhina(IMO 9177765) & Anr ... Defendants

Brendon Pereira i/b M/s. Crawford Bayley & Co. Advocates for the Plaintiff.

Suraj Iyer a/w Aditi Maheshwari i/b Ganesh & Co Advocates for the Defendant.

CORAM:-B.P. COLABAWALLA, J.

Dated :-29th day of May, 2017

P.C :-

1. Mentioned. Not on board, taken on board.
2. Plaintiff's counsel makes a statement that the Defendants have agreed to pay them an amount of 27,70,55,982 in instalments as per the terms of the Settlement Agreement dated 26 May, 2017 for a full and final settlement. Further in the event the Defendant No. 2 defaults in any instalments the Plaintiff is at liberty to file a fresh suit and take steps to arrest the vessel.

3. Defendant No. 2 undertakes to pay a sum of Rs.1,00,190/- towards poundage to the Sheriff of Mumbai.
4. In lieu of the same, order of arrest dated 12th May, 2017 stands vacated and formal Instruments of Release is dispensed with.
5. Caveat against Release book has been produced. No caveat against release has been filed against release of the Defendant Vessel.
6. Commercial Admiralty Suit (L) No. 292 of 2017 is withdrawn.
7. Refund of Court Fees as per rules.
8. Instrument of Release dispensed with. All concerned authorities, Port and Customs to act on a copy of the order duly authenticated as by the Associate of the Bombay High Court. The Defendants are at liberty to communicate this order by fax/email to all concerned.

(B.P. COLABAWALLA, J.)