

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY & VICE ADMIRALTY JURISDICTION
ADMIRALTY SUIT (L) NO. 568 OF 2017

Aashirvad Projects India ...Plaintiff

Versus

M.V. Mukarnas & Ors. ...Defendants

Mr. Arnab Ghosh, with Kumar Kothari, i/b Manoj Khatri for the Plaintiff.

Ms. Khan Saba Rais, i/b Suraj Dessai Almeida, for the Defendants.

Ms. Reena D'souza, GAC Shipping (India) Pvt. Ltd.
Authorised Representative of Defendant No.1.

CORAM: RIYAZ I. CHAGLA, J.
(VACATION JUDGE)

DATED: 25th OCTOBER 2017

PC:-

1. Plaintiff and Defendant No. 1 have executed Consent Terms dated 25th October, 2017 and tendered in Court. The same is taken on record and marked 'X' for identification. The Consent Terms are signed by the Authorized Signatories of the Plaintiff and Defendant No. 1.

2. Order in terms of Consent Terms, marked 'X'.

- (i) Plaintiff has instituted the present Admiralty Suit against the Defendants in respect of their claim of USD 57,000.00 (United States Dollars Fifty Seven Thousand only) and Rs. 1,75,191.00 (Rupees One Lakh Seventy Five Thousand One Hundred and Ninety One only) together with interest at the rate of 9% from the date of filing of the suit till actual realization and/ or payment.
- (ii) By a Judge's Order No.228 of 2017, the 1st Defendant Vessel i.e. M. V. MUKARNAS have been arrested at the Port of Kandla, Gujarat.
- (iii) Plaintiff has accepted an amount of Rs. INR 17,96,340/- (Rupees Seventeen Lakh Ninety Six Thousand Three Hundred Forty Only) equivalent to USD 27,300.00 (United States Dollars Twenty Seven Thousand and Three Hundred only) towards full and final settlement and satisfaction of their entire claim in Suit against the Defendants vide NEFT dated 25th October, 2017 towards full and final settlement and satisfaction of their entire claim in Suit against the Defendants.
- (iv) The authorized representative of Defendant No.1 undertakes to pay an amount of poundage, if any payable to the Sheriff of Bombay within five (5) days from the date of this Order.
- (v) Accordingly suit to stand disposed off and all orders including Orders of arrest passed by this Hon'ble Court to stand vacated and the 1st Defendant vessels to stand released forthwith.

- (vi) Defendants' Advocates confirm that there is no pending caveat against the release of Defendant No.1 vessel.
- (vii) In view of the urgency Instrument of Release dispensed with.
- (viii) Sheriff to forthwith issue customary intimations to the Port, Customs and any other concerned Authority conveying the passing of the present order and release of 1st Defendant Vessel from arrest.
- (ix) Liberty granted to the Authorized Representative/ Advocate representing Defendant No.1 to convey, by fax, email and/ or hand delivery, the Order directing release of the 1st Defendant Vessel to Port, Customs and other statutory Authorities.
- (x) Prothonotary & Senior Master, High Court, Bombay / Admiralty Registrar / Sheriff of Mumbai, Customs, Port and all concerned statutory authorities are directed to act on copy of the order duly authenticated by the Associate.
- (xi) Refund of Court fees as per rules.
- (xii) Certified copy to be expedited.

(RIYAZ I. CHAGLA J.