

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY & VICE ADMIRALTY JURISDICTION**

COMM. ADMIRALTY SUIT NO.251 OF 2017

Eastmen Shipping Pte. Ltd.)....Plaintiff
V/s.

Mathi Agency & Anr.)....Defendants

Mr.Bimal Rajasekhar i/by Mr.Ashwin Shanker for plaintiff.
None for defendants.

CORAM : K.R.SHRIRAM,J

DATE : 9.3.2018

P.C.:-

1 Counsel for plaintiff states that parties have arrived at a settlement and that the 2nd defendant cargo may therefore be released from arrest. Counsel states that plaintiff has received a settlement sum of USD 105,000 and tenders an affidavit of one Sudarshan Gujar, plaintiff's authorized signatory, affirmed on 9th March, 2018 to this effect and states that poundage of USD 1,050 shall be paid to the Sheriff of Mumbai within one week. Counsel undertakes on behalf of Mr.Ashwin Shanker, to have this amount paid. Undertaking accepted. Counsel further states that there is no caveat against release and tenders praecipe dated 9.3.2018 in which there is an endorsement that there is no caveat filed against release of the defendant no.2 cargo (incorrectly stated against defendant-vessel Mathi Agency). The caveat register against release is also produced in court and the

Associate of the court confirms that there is no caveat.

2 The order of arrest dated 30.3.2017 is vacated and the 2nd defendant cargo of 6,492 Mts of rock boulders stands released from arrest. Instrument of release dispensed with.

3 Counsel also seeks to withdraw the suit. In view of the above, the suit is allowed to be withdrawn. Refund of court fees, if any, as per Rules.

4 Plaintiff is at liberty to communicate this order by fax/email to all concerned. Plaintiff to also communicate the copy of this order by courier/hand delivery to Customs/Port authority at Chennai within one week from today.

5 All concerned authorities, including Port & Customs to act on a copy of this order duly authenticated by the Associate of this court as a true copy.

(K.R.SHRIRAM,J)