

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY AND VICE ADMIRALTY JURISDICTION
IN ITS COMMERCIAL DIVISION**

COMMERCIAL ADMIRALTY SUIT NO.612 OF 2017

Cockett Marine Oil DMCC

....Plaintiff

Vs.

M T DISTYA AKULA (IMO No.9087972)

....Defendant

Ms. Bulbul Singh Rajpurohit i/b. M/s. Crawford Bayley and Co. for plaintiff.

Mr. Vishal Sheth i/b. Mr. Bimal Rajasekhar for defendant nos.1 and 2.

Mr. Abhimanyu Singh for caveator in caveat no.35 of 2017.

Mr. Pawan Arya, Director of defendant no.2. present.

CORAM : K.R.SHRIRAM, J.

DATE : 13th FEBRUARY, 2018

PC.:

1 Not on board. Upon mentioning taken on board.

2 Ms. Bulbul Singh Rajpurohit, counsel for plaintiff seeks leave to withdraw the suit.

3 Suit dismissed as withdrawn. Refund if any, of court fees in accordance with rules.

4 Notwithstanding withdrawal of the suit, all office objections to be removed and suit to be numbered within two weeks from today.

5 Ms. Bulbul Singh Rajpurohit, counsel for plaintiff states that four other parties represented by M/s. Crawford Bayley and Co. and a fifth party represented by Mr. Abhimanyu Singh had filed caveat against release

of the vessel. Mr. Sheth states that claim of all the caveators have been settled. Ms. Bulbul Singh Rajpurohit and Mr. Abhimanyu Singh confirm the same.

6 In the circumstances, there is no impediment to the vessel being allowed to be released and permitted to sail. The order of arrest of defendant vessel passed on 18th July, 2017 is set aside. Vessel is allowed to sail forthwith. Instrument of release dispensed with. All caveats stand discharged.

7 Ms. Bulbul Singh Rajpurohit states that plaintiff's claim has been settled at USD 370495.10 and undertakes to file an affidavit within one week from today. The statement of Ms. Bulbul Singh Rajpurohit is accepted.

8 Mr. Sheth, counsel for defendant vessel states that the vessel is owned by Arya Ship Charterers Private Limited, Defendant No.2 and the director of defendant no.2 – Mr. Pawan Arya is present in Court. Mr. Sheth identifies Mr. Arya. Mr. Arya undertakes to pay the sheriff's poundage of USD 3704.95 rounded off to USD 3705 in rupees equivalent to Sheriff of Mumbai towards poundage latest by 2 o'clock tomorrow, i.e., 14th February, 2017, by way of NEFT/RTGS transfer or by way of pay order drawn in favour of Sheriff of Mumbai. Statement accepted as an undertaking to this

Court.

9 All parties to act on an authenticated copy of this order.

(K.R. SHRIRAM, J.)