

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

**IN ITS COMMERCIAL DIVISION**

**COMMERCIAL ADMIRALTY SUIT NO.766 OF 2017**

International Ship Repair FZE )...Plaintiff  
V/s.

m.v.Maharshi Vishwamitra & Ors. )....Defendants

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Mr.Vishal Seth i/by Bimal Rajasekhar for plaintiff.  
Mr.Aman Rangtu i/by M/s.Crawford Bayley and Co. for defendant  
nos.1, 2 & 4.

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**CORAM : K.R.SHRIRAM,J**  
**DATE : 5.1.2018**

**P.C.:-**

1 Not on board. Upon mentioning taken on production  
board.

2 Mr.Seth appearing for plaintiff states that claim of the  
plaintiff has been settled in the sum of US\$ 255,000. Mr.Seth seeks  
leave to withdraw the suit. Mr.Seth also undertakes on behalf of  
plaintiff that plaintiff shall pay 1% of US\$ 255,000, i.e., US\$ 2550 as  
poundage to the Sheriff of Mumbai within a period of one week from  
today. Mr.Seth states that for any reason if plaintiff do not pay, the  
advocate for plaintiff undertakes to pay the said sum to the Sheriff of  
Mumbai personally in view of the provisions of High Court (O.S)

Rules.

3           Mr.Seth tenders an endorsement from the master administration that there is no caveat filed against released of the vessel. Endorsement is made at 1.30 p.m. today. Mr.Seth states that register is also in the court till the time of dictating this order. There is no possibility of anyone having filed caveat between 1.30 p.m. to 3.30 p.m. Statement accepted.

4           Order of arrest stands vacated. Vessel to be released forthwith. Undertaking given by defendant no.2 and its director not to take the vessel outside the territorial waters of India stands discharged.

5           Suit dismissed as withdrawn. Refund of court fees in accordance with Rules. The undertaking of the plaintiff to pay to the Sheriff of Mumbai, poundage in rupees equivalent to US\$ 2550 within a period of one week from today, is accepted and so ordered. Registry to process application for refund of court fees only upon satisfying that this amount is being paid.

6           Instrument of released dispensed with. Plaintiff is at

liberty to communicate this order to all parties concerned by fax/e-mail/courier/hand delivery. Undertaking of the counsel for plaintiff that copy of this order will be hand delivered along with the letter from the Sheriff of Mumbai to the concerned authorities including Port and Customs within a period of one week from today, is accepted.

7           Mr.Seth states that defendants have agreed to pay the amount in installments and therefore, seeks liberty to file a suit afresh if defendants committed default. Liberty granted.

8           All interim applications stand disposed.

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

**(K.R.SHRIRAM,J)**