

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

COMM. ADMIRALTY SUIT NO.794 OF 2017

KPI Bridge Oil Ltd.

... Plaintiff

Vs.

m.v. ESI ANAX

... Defendant

Mr. Bimal Rajasekhar for Plaintiff.

Ms. S. Priya for Caveator.

CORAM : K.R.SHRIRAM, J.

DATE : 8TH MARCH 2018

P.C.

1 The advocate for Plaintiff states that parties have arrived at a settlement and that Defendant vessel m.v. ESI ANAX may therefore be released from arrest. The counsel also seeks to withdraw the suit. The counsel states that Plaintiff has received a settlement sum of USD 149,933.22 and tenders an affidavit of one Satish Chande, Plaintiff's constituted attorney affirmed on 8th March 2018 to this effect and states that poundage of USD 1,499.33 shall be paid to the Sheriff of Mumbai within 2 days. Mr. Rajasekhar personally undertakes to have this amount paid. Undertaking accepted.

2 In view of the above, the suit is allowed to be withdrawn. The order of arrest dated 25th September 2017 is vacated and Defendant vessel m.v. ESI ANAX stands released from arrest.

Refund of Court Fees, if any, as per Rules. Instrument of Release dispensed with.

3 There is, however, a caveat against release of the vessel, being Caveat No. 30 of 2017. The Caveator has been given notice and is present. In view of the caveat, notwithstanding the vacating of the order of arrest, Defendant vessel shall not be permitted to sail for a period of 5 days. It is however made clear that, if the Caveator has not filed its own suit and obtained an order of arrest of Defendant vessel by 12th March 2018, Defendant vessel shall be free to sail.

4 Plaintiff is at liberty to communicate this order by fax/email to all concerned. All concerned authorities, Port and Customs to act on a copy of the order duly authenticated as 'True Copy' by the Associate of this Court.

(K.R. SHRIRAM, J.)