

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

**ADMIRALTY SUIT NO. 111 OF 2012
WITH
JUDGES ORDER NO. 289 OF 2012
IN
ADMIRALTY SUIT (LODG.) NO. 289 OF 2012**

Arctos Shipping Co. Ltd. .. Plaintiff
Vs.
M.T. AL LAYYAH & Anr. .. Defendants

Ms. Damayanti Sen i/b Bose and Mitra and Co. for plaintiff/claimant.

None for defendant.

**CORAM : K.R.SHRIRAM, J.
DATE : 19TH JANUARY 2018**

P.C.

1 After the 1st defendant vessel was arrested, security by way of a bank guarantee in the sum of US\$ 1,67,846 and another bank guarantee in the sum of US\$ 11,168 towards interest were furnished on behalf of defendant no.1 vessel. Those bank guarantees are still current and being renewed from time to time.

2 After the bank guarantees were furnished, parties referred the dispute to arbitration in London. Ms.Sen for plaintiff states that the arbitration proceedings have concluded and there is an award in favour of plaintiff. Ms. Sen states that plaintiff has filed Execution Application No.455 of 2015

which is pending.

3 Therefore, nothing survives in this suit. When I asked Ms.Sen why the suit should be kept pending, Ms Sen stated that these two bank guarantees are in this suit and if this suit is disposed, the bank guarantees may also come to an end. In view of this, the two bank guarantees, viz. bank guarantee for US\$ 1,67,846/- dated 26th November 2012 extended on 9th January 2014 and bank guarantee for US\$ 11,168 dated 16th April 2014 with the renewals are transferred to the credit/benefit of execution application No.455 of 2015.

4 The suit accordingly stands disposed.

Refund of Court fees, if any, in accordance with rules.

Interim application, if any, stands disposed.

(K.R. SHRIRAM, J.)