

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
ADMIRALTY SUIT NO.44 OF 2015
WITH
CHAMBER SUMMONS NO.1351 OF 2018
WITH
NOTICE OF MOTION NO.2299 OF 2018**

The Board of Trustees of the Port of Mumbai ..Plaintiff

Vs.

M.V. Kamal XXVI & Ors ..Defendants

Mr. Ajai Fernandes I/b Motiwalla and Co. for Plaintiff;
(Capt. Abhijeet Dubey, Asstt. Harbour Master/Authorized Signatory present
of plaintiff present)
Mr. Shailesh Kumar for Defendant No. 1;
Mr. B. S. Nayak for Defendant No. 3;
(Mr. Pawan Gandhi, Director of Amrut Dredging & Shipping Ltd.-Ship
Manager of Defendant No. Vessel present)

**CORAM : K.R.SHRIRAM, J.
DATE : 26th JUNE 2019**

P.C.:

1 Plaintiff and defendant no.1 have entered into consent terms dated 26th June 2019. The consent terms is signed by one Captain Abhijeet Dubey as authorised signatory of plaintiff and one Mr. Pavan Gandhi as Director of Ship Managing Company Amrut Dredging Company Ltd and their respective advocates, is taken on record and marked "X" for identification.

2 For ease of reference consent terms is scanned and reproduced below:

X¹/26/6/19

1

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY & VICE ADMIRALTY JURISDICTION
ADMIRALTY SUIT NO. 44 OF 2015

The Board of Trustees of the Port of Mumbai Plaintiffs

Versus

M. V. Karnal XXVI & Ors. Defendants

CONSENT TERMS

Curam : His Lordship Justice Mr. K. R. Shrivastava

Date : 26th June, 2019

Agreed, declared and confirmed between the Plaintiffs and the 1st Defendants as under:

1. The Plaintiffs and the 1st Defendants have agreed to settle the above suit on the following terms:
 - (a) The 1st Defendants have already paid to the Plaintiffs Rs.15,00,000/- (Rupees Fifteen Lakhs Only) vide Pay Order bearing No.939582 dated 18/11/2015;
 - (b) The 1st Defendants have further paid to the Plaintiffs a further sum of Rs. 5,71,114/- (Rupees Five Lakhs Seventy One Thousand One hundred and fourteen only) vide Pay Order bearing no. 618739 dated 17/06/2019;
 - (c) The 1st Defendants have deposited Rs.21,23,946/- vide Pay Order bearing No.634564 dated 11/04/2018 in Appeal Court in Appeal (L) No. 177 of 2018, the said sum alongwith the accrued interest

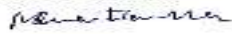
2

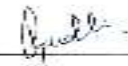
works out till date to the sum of Rs. 22,70,982/-. The Prothonotary & Senior Master shall pay to the Plaintiffs the aforesaid sum alongwith accrued interest.

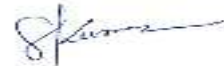
2. The Plaintiffs undertake to pay Sheriff's poundage of 1% on the amount received by it within 15 days from the date hereof.
3. The Plaintiffs undertake to withdraw the captioned suit against all the Defendants with no order as to costs.

Dated this 26th day of June, 2019


Capt. Abhijeet Dubey
for The Board of Trustees of the Port of
Mumbai

Motiwalla & Co.

Partner
Advocates for the Plaintiffs


Mr. PAVAN GANDHI
for M. V. Kamal XXVI


Mr. Shailendra Kumar
Advocate for the Defendant No.1

3 Mr. Fernandes states that there is a trustees resolution authorising Deputy Conservator to issue the letter of authority in favour of Captain Abhijeet Dubey and a copy of the said resolution attested as true copy by his instructing advocate will be handed over to the court master during the course of today.

4 So far as Mr. Pavan Gandhi, Mr. Shailendra Kumar states that the owner of defendant no.1 vessel Stallion Dredging and Shipping FZC,

U.A.E., has authorised Amrut Dredging and Shipping Ltd. to pay off plaintiff's claim as mentioned in the consent terms. Mr. Fernandes states that he has considered the authority of Stallion Dredging and Shipping FZC to Amrut Dredging and Shipping Ltd and he is happy with that. Mr. Fernandes and Mr. Shailendra Kumar state that Captain Abhijeet Dubey and Mr. Pavan Gandhi are present in court and identify them.

4 Order in terms of consent terms. All statements accepted as an undertaking to this court. All undertakings accepted.

5 Suit dismissed as withdrawn with no order as to costs.

6 Refund of court fees in accordance with rules.

7 Prothonotary and Senior Master, High Court Bombay, shall release the amount mentioned in paragraph 1(c) of the consent terms after being satisfied that plaintiff's resolution as per paragraph 3 above has been submitted and the sheriff's poundage has been paid within 15 days period as mentioned in clause (2) of the consent terms.

8 All interim applications stand disposed.

9 Vessel continues to remain under arrest.

(K.R. SHRIRAM, J.)