

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO.421 OF 2012
IN
EXECUTION APPLICATION (L) NO.406 OF 2012**

Mr. Biswanath Deb

..Plaintiff/Applicant

Vs.

The Owners and parties interested
in the vessel Glory – 1

..Defendant

Mr. C. S. Savithri for Applicant/Claimant

Mr. Biswanath Deb – Claimant present

Mr. Bimal Rajasekhar I/b Mr. Ashwin Shaker for Plaintiff in
ADMS/33/2010, COMAS/1/2011, ADMS/62/2011

CORAM : K.R.SHRIRAM, J.

DATE : 19th JULY 2019

P.C.:

1 As per the order passed on 21st June 2019, a sum of Rs.24 lacs was kept aside for applicant in this chamber summons. Applicant was absent on 21st June 2019 and, therefore, this chamber summons was directed to be listed on 12th July 2019. Due to paucity of time on 12th July 2019, it did not get called out and is listed today.

2 Ms Savithri, advocate for applicant states that applicant is present and identifies him. On instructions from applicant Ms Savithri states that her client is ready and willing to accept the amount of Rs.24 lacs kept aside pursuant to order dated 21st June 2019, in full and final settlement of all his claim against the owners and parties interested in vessel Glory-1. Ms Savithri tenders an affidavit of Biswanath Deb, applicant/plaintiff, affirmed on 19th July 2019 confirming his readiness and willingness to accept the amount of Rs.24 lacs, which was directed to be

kept aside in order dated 21st June 2019, in full and final settlement. Statement accepted. For ease of reference, the affidavit of applicant-Biswanath Deb, affirmed on 19th July 2019, is scanned and reproduced below:

Sr. NO. 21.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

EXECUTION APPLICATION NO. 406 OF 2012

In

C.S.No. 265 of 2011

(In the High Court of Judicature at Madras)

Biswanath Deb, Proprietor,
Maritime Overseas Corporation

...Plaintiff/Decree
Holder/Claimant

Vs.

The Owners and Parties interested in
The Vessel Glory -I

...Defendants/Judgement
Debtors

AFFIDAVIT OF BISWANATH DEB

I, Biswanath Deb, Aged 54 years, Proprietor of Maritime Overseas Corporation, having office address at Singapore Plaza, First Floor, 164, Linghi Chetty Street, Chennai – 600 001, do hereby solemnly affirm and state as follows;

1. I am the Plaintiff in the Civil Suit No. 265 of 2011 filed before the Hon'ble High Court of Madras against the Defendant herein, which passed a judgement and decree in the said suit on 23.01.2012. I filed the above Execution application for execution of the decree passed in the said C.S.No. 265 of 2011.
2. I state that I received a letter dt. 28.6.20109 from the office of Prothonotary and Senior Master of this Hon'ble informing me about the directions given by this Hon'ble Court on 21.6.2019 in

[Signature]





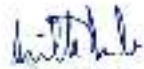

the above matter to me to remain present before this Hon'ble Court and also annexing copy of the order dt. 21.6.2019 passed by this Hon'ble Court. I have come to know from the said order that on 20.6.2019 a consent terms has been entered in to between the claimants in other Admiralty suits filed before this Hon'ble Court (being Admiralty Suit No. 33/2010, 12/2011, 62/2011 and 59/2011) as against the Judgement Debtor herein, pursuant to which orders have been passed by this Hon'ble Court in the said Admiralty Suits in terms of the said consent terms on 21.6.2019.

3. I state that in the said consent terms a sum of Rs.24,00,000/- has been allocated towards satisfaction of my decree obtained in the above suit. I have no objection for accepting the said amount of Rs.24,00,000/- in full and final settlement of my claim against the Judgement debtors herein and in full satisfaction of the decree obtained in the above said suit being C.S No. 265 of 2011.

4. I am herewith also furnishing my bank details so that the amount viz., 24,00,000/- payable from the sale proceeds of the Vessel of Judgement debtor can be credited in to my bank Account: IDBI Bank Ltd, Branch-New Avadi Road, Kilpauk, Chennai – 600 010, favouring Maritime Overseas Corporation A/c No. 0045102000034399, IFSC Code IBKL0000267.

5. I am filing this Affidavit in confirmation of the statement made by me before this Hon'ble Court today in the above matter.


Advocate for Plaintiff/Decree holder


Deponent



3 Accordingly chamber summons stands disposed. So also the execution application.

4 All to act on authenticated copy of this order.

(K.R. SHRIRAM, J.)