

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ADMIRALTY AND VICE ADMIRALTY JURISDICTION  
IN ITS COMMERCIAL DIVISION  
ADMIRALTY (L) SUIT NO.37 OF 2019**

DNV GL AS ... Plaintiff  
versus  
OSV Wilchief I (IMO No.8304799) & Anr. ... Defendants  
WITH  
**ADMIRALTY (L) SUIT NO.38 OF 2019**

DNV GL UK Ltd. ... Plaintiff  
versus  
OSV Wilchief I (IMO No.8304799) & Anr. ... Defendants

Mr. Shyam Kapadia with Mr. Avinav Mukherjee, Ms. Nerjis Nathaji I/by Mr. Mustafa Motiwala, for Plaintiffs.

Mr. Rishi Murarka I/by Mr. Ashwin Shankar, for Defendants.

Mr. Jai Kishan Thappa, MD of Defendant No.2 present.

**CORAM: S.J. KATHAWALLA, J.**  
**DATE: 4<sup>th</sup> MAY, 2019**  
**( In Chambers )**

**P.C.:**

1. Perused the order dated 12<sup>th</sup> April, 2019. Heard the learned Advocates for the parties and by consent, the following order is passed :

(i) The Defendants agree and undertake to pay an amount of Rs.59,50,000/- to the Plaintiff in full and final settlement of the claim of the Plaintiff as under :

Rs.15,00,000/- on or before 7<sup>th</sup> May, 2019;

Rs.25,00,000/- on or before 15<sup>th</sup> June, 2019;

Rs.19,50,000/- on or before 17<sup>th</sup> July, 2017;

(ii) The Managing Director of Defendant No.2 who is present before me and who has 70% share holding in Defendant No.2 Company, gives his personal undertaking to make the aforesaid payments and further undertakes that there shall be no default in making payments on the dues dates. The undertakings are accepted.

(iii) Upon the payments of the aforesaid amounts by the Defendants to the Plaintiffs, both the parties shall have no claim of whatsoever nature against each other.

(iv) In view of the above order and undertakings, the Vessel – OSV Wilchief I (IMO No.8304799) is hereby forthwith stand released from arrest. The order of arrest dated 12<sup>th</sup> April, 2019 stands vacated and the formal instrument of release is dispensed with.

(v) In view of the settlement between the Plaintiff and the owner of the Defendant Vessel and further in view of the personal undertakings given by the Managing Director of Defendant No.2, the learned Advocate for the Plaintiffs seeks to withdraw the above Suits with liberty to file fresh Suit/s if so advised. The above Suits are disposed of as withdrawn with liberty to file fresh Suit/s if so advised. Refund of Court Fees, if any, as per rules.

**(S.J.KATHAWALLA,J.)**