

**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: 4th MAY, 2019
(In Chambers)

P.C.:

1. Perused the order dated 12th 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 7th May, 2019;

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

Rs.19,50,000/- on or before 17th 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 12th 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 The above Suits are disposed of as withdrawn with liberty to file fresh Suit/s if so advised.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.)