

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY AND ORIGINAL CIVIL JURISDICTION  
ADMIRALTY SUIT NO.2 OF 2018**

Fleet Ship Management INC

..Plaintiff

Vs.

LPG Maharshi Shubhatreya  
(IMO No.8114716) & Anr

..Defendants

WITH  
NOTICE OF MOTION NO.1284 OF 2018  
WITH  
NOTICE OF MOTION NO.1262 OF 2018  
WITH  
NOTICE OF MOTION NO.1273 OF 2018  
WITH  
NOTICE OF MOTION NO.1336 OF 2018  
WITH  
NOTICE OF MOTION NO.1337 OF 2018  
WITH  
NOTICE OF MOTION NO.1335 OF 2018  
WITH  
NOTICE OF MOTION NO.1770 OF 2018  
WITH  
NOTICE OF MOTION NO.2278 OF 2019  
IN  
ADMIRALTY SUIT NO.2 OF 2018

Mr. Ruchir Goenka i/b Bose and Mitra and Co. for Plaintiff  
Ms Shweta Sadanandan i/b Mr. Ashwin Shanker for Defendant Nos.4 to 10  
Mr. R. P. Shirole i/b Khare Legal Chambers for Defendant No.11 (Darya Shipping Pvt Ltd.)

**CORAM : K.R.SHRIRAM, J.**  
**DATE : 14<sup>th</sup> OCTOBER 2019**

**P.C.:**

1            Mr. Goenka for plaintiff seeks leave to withdraw the suit. Mr. Goenka states that Liquidator has been appointed for the owner of

defendant no.1, Varun Resources Ltd., who is defendant no.3 in the suit, by NCLT Mumbai. Mr. Goenka seeks leave to pursue the claim in the NCLT, Mumbai.

2           The suit dismissed as withdrawn with liberty as prayed for. If the claim is filed within four weeks from today, the Liquidator shall consider their claim and shall not reject the same as being beyond the period mentioned in his notice.

3           Ms Sadanandan states that they have filed 7 interim applications. Ms Sadanandan states that in view of the suit being withdrawn liberty be given to applicant to take out such proceedings as advised including filing suit against the sale proceeds of the vessel.

4           All interim applications stand disposed with liberty as prayed for. It is, however, clarified that in Notice of motion no.2278 of 2019, applicant has the leave to take out such proceedings as advised against any order / directions passed by the Prothonotary and Senior Master / Admiralty Registrar.

5           Refund of court fees in accordance with rules.

**(K.R. SHRIRAM, J.)**