

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ADMIRALTY & VICE ADMIRALTY JURISDICTION****NOTICE OF MOTION NO.1972 OF 2018****IN****ADMIRALTY SUIT NO.47 OF 2018**

MT Olivia (IMO No.9156486))....Applicant

IN THE MATTER BETWEEN :

Hindustan Enviro Life Protection Services Ltd.)....Plaintiffs

V/s.

MT Olivia (IMO No.9156486))....Defendant

Ms.Ridhi Nyati i/by Ashwin Shanker for plaintiffs.

Mr.Shyam Kapadia with Mr.Nirav Shroff i/by Crawford Bayley & Co.
for defendant/applicant.

CORAM : K.R.SHRIRAM,J

DATE : 25.11.2019

P.C.:-

1. Ms.Nyati appearing for plaintiffs states that plaintiffs have instructed her to withdraw the suit unconditionally and the amount deposited by the owners of defendant with the Prothonotary & Senior Master, High Court, Bombay, be returned to defendant together with interest if any. Mr.Kapadia appearing for applicant concurs with what Ms.Nyati states and also states his instructions are not to press for costs.

2. In the circumstances, suit dismissed as withdrawn. Refund of court fees if any, in accordance with Rules. The amount deposited in this suit by defendant be returned to the party that has deposited the amount together with accumulated interest. Mr.Kapadia also states that applicant/defendant has no counter claim against plaintiffs. Statement accepted.

3. Ms.Nyati states plaintiffs have not recovered any money in this suit and plaintiffs have taken a commercial decision to withdraw the suit unconditionally and therefore, no poundage will be payable to Sheriff of Mumbai. Plaintiffs to file an affidavit through its managing director within one week from today confirming that no amount has been received by plaintiffs from defendant or any other party in satisfaction of any part of its claim in this suit. Undertaking accepted. Application for refund of court fees to be processed only upon receiving this affidavit from plaintiffs and if within one week, such an affidavit is not filed, registry to place the matter before this Court for directions.

4. All interim applications stand disposed.

(K.R.SHRIRAM,J)