

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
COMMERCIAL ADMIRALTY SUIT (L) NO.75 OF 2019**

Lynx Marine	..Plaintiff
Vs.	
M.V. Hansa Prem (IMO 9225330)	..Defendant

Mr. Shiv Kumar Iyer i/b Ganesh & Co. for Plaintiff

**CORAM : K.R.SHRIRAM, J.
DATE : 22nd NOVEMBER 2019**

P.C.:

1 Not on board. Upon mentioning taken on board.

2 Mr. Iyer appearing for plaintiff states that plaintiff's claim is settled at Rs.16,27,278/-, even though particulars of claim says Rs.32,62,114.67/-. Mr. Iyer states that plaintiff was not aware that just before the suit came to be lodged, defendant had remitted a sum approximately of Rs.7.50 lacs. Mr. Iyer states that since plaintiff's claim has been settled in full, the vessel be released from arrest forthwith.

3 Mr. Iyer states that there is no valid caveat entered in the caveat warrant book against the release against defendant- vessel at the time of making this application at 3.23. p.m today.

4 Mr. Iyer undertakes to pay sheriff's poundage. Mr. Iyer states and rightly so that since only a sum of Rs.16,27,278/- was received pursuant to the vessel being arrested and the Sheriff of Mumbai addressing the communications to the port and customs authorities, 1% poundage on

Rs.16,27,278/- being Rs.16,273/-, is only payable. Mr. Iyer personally undertakes to pay this amount within one week from today.

5 Advocate for plaintiff is at liberty to forward a copy of this order alongwith release letter from the office of Sheriff of Mumbai to the concerned port, customs and all authorities by fax/email. Hard copy of the forwarding letter with the copy of this order and sheriff's letter shall be reached to the concerned authorities within one week from today.

6 Vessel to be released forthwith. Instrument of release dispensed with.

7 Mr. Iyer seeks leave to withdraw the suit. Suit will stand dismissed as withdrawn upon plaintiff paying the entire court fees, which Mr. Iyer says will be paid within one week from today. Upon the entire court fees being paid, registry shall process the application for refund of court fees.

8 Payment of court fees is taken as personal undertaking of Plaintiff's advocate. If, the court fees is not paid within one week, registry to place this matter for directions.

9 All to act on authenticated copy of this order.

(K.R. SHRIRAM, J.)