

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
COMMERCIAL ADMIRALTY SUIT (L) NO.76 OF 2019**

Shipoli Limited
Vs.
m.v. Pravik & Anr

..Plaintiff

..Defendants

Mr. Ashwin Shanker for Plaintiff
None for Defendant

**CORAM : K.R.SHRIRAM, J.
DATE : 27th NOVEMBER 2019**

P.C.:

1 Not on board. Upon mentioning taken on board.

2 Mr. Ashwin Shanker, advocate for plaintiff states that plaintiff's claim has been settled at US\$ 1,94,000/- and, therefore, seeks leave to withdraw the suit unconditionally. Mr. Ashwin Shanker states that he will file an affidavit of plaintiff annexing thereto the settlement document to confirm that plaintiff's claim has been settled only at US\$ 1,94,000/- and nothing more. This affidavit to be filed within one week from today.

3 Mr. Ashwin Shanker undertakes to pay 1% poundage on US\$ 1,94,000/- which will be US\$ 1940/-, in Indian rupees, during the course of today itself, applying the rate prevailing today. Mr. Ashwin Shanker states that if today's selling rate of US Dollars of HDFC Bank is more and the Sheriff's office brings that to his notice, he shall pay the difference within one week of receiving a communication from the office of Sheriff of Mumbai.

4 Mr. Ashwin Shanker states that there is no valid caveat entered
in the caveat warrant book against release against defendant- vessel, as at
1.35 p.m today. Mr. Ashwin Shanker relied upon an endorsement made by
the Section Officer of the Execution Department of this court.

5 In the circumstances, suit dismissed as withdrawn.

6 Refund of court fees in accordance with rules.

7 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 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.

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

9 All to act on authenticated copy of this order.

(K.R. SHRIRAM, J.)