

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ADMIRALTY & VICE ADMIRALTY JURISDICTION

ADMIRALTY SUIT NO. 28 OF 2015

WITH

NOTICE OF MOTION NO. 1952 OF 2015

IN

ADMIRALTY SUIT NO. 28 OF 2015

WITH

NOTICE OF MOTION NO. 915 OF 2019

IN

ADMIRALTY SUIT NO. 28 OF 2015

Offshore International Logistics

..Plaintiff

Vs.

Little Boy and Another

..Defendants

WITH

NOTICE OF MOTION NO. 1966 OF 2015

IN

ADMIRALTY SUIT NO. 28 OF 2015

Beheermaatschappij De Donge

..Applicant

IN THE MATTER BETWEEN

Offshore International Logistics

..Plaintiff

Vs.

Little Boy and Another

Defendants

WITH

CHAMBER SUMMONS NO. 1336 OF 2018

IN

ADMIRALTY SUIT NO. 28 OF 2015

The Board of Trustees of the Port
of Mumbai

..Applicant

IN THE MATTER BETWEEN
Offshore International Logistics ..Plaintiff
Vs.
Little Boy and Another ..Defendants

Mr.Yahya Ghoghari i/b Sameer P. Khedekar, for the Plaintiff.
Mr. Ajai Fernandes a/w Ms. Sneha Pandey i/b Motiwalla and
Co, for the Applicant in CHS.1336 of 18.
Mr. Yusuf Jagmag, Dy. General Manager/Constituted
Attorney of Caveator in Caveat against Release No. 12 of
2019.

CORAM :- B.P.COLABAWALLA, J.
DATE :- OCTOBER 11, 2019.

P. C.:

The learned counsel appearing on behalf of the
Plaintiff states that the Plaintiff seeks to unconditionally
withdraw the above suit in view of the fact that an out of
court settlement has been arrived at between the Plaintiff
and the Defendants.

2 It has been brought to my notice that pursuant to
an order dated 22nd December, 2014, the first Defendant
vessel was arrested and a Judges Order was also signed
separately. The said order further recorded that the port,

namely the Mumbai Port Trust, being a statutory authority constituted under the provisions of the Major Port Trusts Act, 1960, its claim, if any, even towards the mooring of the first Defendant vessel will stand in higher priority of their charges against the said vessel.

3 It is now submitted that in view of the settlement, apart from withdrawal of the suit, the Plaintiff also seeks release of the first Defendant vessel and for vacating the order of arrest passed on 22nd December, 2014.

4 Considering that the disputes in the entire suit are now settled, the order of arrest dated 22nd December, 2014 stands vacated and formal instructions of release are dispensed with. The above suit, in these circumstances, is dismissed as withdrawn. No order as to costs. Refund of Court Fees, if any, as per Rules.

5 The instrument of release is also dispensed with.

6 All concerned authorities, including port and customs authorities are directed to act on a copy of this order duly authenticated by the Associate of this Court.

7 The Defendant is at liberty to forward a copy of the communication from the Sheriff of Mumbai forwarding this order by fax/email/hand delivery/RPAD to all the concerned authorities.

8 It is made clear that the order of arrest shall stand vacated only once all the dues of the Mumbai Port Trust are paid as on the date of taking the vessel outside the Mumbai Port limits. I am informed that the dues of the Mumbai Port Trust as on 7th September, 2019 are to the tune of Rs. 66,15,696/-. Similarly, until the Sheriff's poundage is paid, the Defendant vessel shall not be released from arrest.

9 I am also informed that there was a caveat against the release of the Defendant vessel filed by Atlantic Shipping Private Limited. The authorized representative of Atlantic

Shipping Private Limited-Mr. Yusuf Jagmag, the Deputy General Manager, is present in court and has stated that the caveat has been withdrawn in view of the fact that the dues of the Atlantic Shipping Private Limited have been paid. The said statement is accepted.

10 Considering that the suit itself is withdrawn, nothing survives in Notice of Motion Nos. 1966 of 2015, 1952 of 2015, 915 of 2019 as well as Chamber Summons No. 1966 of 2015 and the same are disposed of accordingly.

(B. P. COLABAWALLA, J.)