

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ADMIRALTY & VICE ADMIRALTY JURISDICTION

COMMERCIAL ADMIRALTY SUIT NO.85 OF 2016

WITH

I.A. NO.1 OF 2020

WITH

NOTICE OF MOTION NO.1884 OF 2019

Key Ship Management & Consultants DMCC)....Plaintiff

V/s.

M.V.IDM Symex (IMO No.8912663))....Defendant

Mr.Bimal Rajasekhar a/w Mr.Umang Thakar for plaintiff.
[Mr.Satish Chande, Authorized signatory of plaintiff present].
Dr.Shrikant Hathi i/by Brus Chambers for defendant.
[Mr.Vijay Bane, Authorized signatory of defendant present].

CORAM : K.R.SHRIRAM,J

DATE : 3.3.2020

P.C.:-

1. Parties have amicably settled the matter and tendered consent terms dated 3.3.2020 which is taken on record and marked 'X' for identification. In addition Mr.Hathi for defendant tendered print out of an email dated 2.3.2020 received by him from the director of owners of defendant-vessel confirming that the person who has signed on behalf of defendant has authority to sign the consent terms since he has been authorized to sign all documents. E-mail is taken on record and marked 'X-1' for identification.

2. Mr.Rajasekhar for plaintiff and Mr.Hathi for defendant state that the signatories to the consent terms are present in Court and identify them. The consent terms and the e-mail are scanned and reproduced here in below for ease of reference.

IN THE HIGH COURT OF JUDICATURE AT HONHAY
ADMIRALTY & VICE ADMIRALTY JURISDICTION
COMMERCIAL ADMIRALTY SUIT NO. 85 OF 2016

Key Ship Management and Consultants DMCCPlaintiff
Vs.
M.V. DM Symax (IMO No.8912064)Defendant

CONSENT TERMS

1. The Plaintiff and the owner of the Defendant vessel have arrived at a consensus to settle the Plaintiff's claim.

2. The Plaintiff agrees to receive USD 1,19,000 (USD One Hundred Nineteen Thousand only), all inclusive, in full and final settlement of its claim against the Defendants, which includes all services and goods procured by the Plaintiff on behalf of the Defendant.

3. The Defendant had deposited AED 10,000,000 with the Registry of this Hon'ble Court for release of Defendant vessel pending the Suit, vide order dated 6 May 2016. The Defendant vessel was accordingly released.

4. The Prothonotary and Senior Master is ^{to} ~~is~~ requested to disburse the amounts deposited by Defendant vide order dated 6 May 2016 in the following manner:

a. Telegraphic transfer of the sum of USD 1,19,000 to the Plaintiff's following account:

BENEFICIARY NAME: KEY SHIP MANAGEMENT & CONSULTANTS, DMCC
BENEFICIARY ADDRESS: UNIT 901, CLUSTER M, IDS BUSINESS CENTER, JUMEIRAH LAKES TOWER, DUBAI, UAE. P.O. BOX 78685
BENEFICIARY BANK: EMIRATES NBD
BANK ADDRESS: MIRDIF CITY CENTRE BRANCH, DUBAI, UAE
BENEFICIARY ACCOUNT NUMBER (IBAN) IN USD: AE-040260601024552825202

[Signatures]

6. NREFT Transfer for the remainder amount - with accrued interest in Indian Rupees to the Defendant's advocate's bank account.

Beneficiary: Bicus Chambers

Beneficiary Address: 8, Rajabpukur Mansion, 3rd Floor, Anshul Doshi Marg, 100 ft. Behind DSF, Mumbai 400001, India

Currency: Indian Rupees

Bank Account No: 020 675854-001

Swift Code: HSBCINBB

IFSC Code: HSB00400002

Bank Address: The Hongkong and Shanghai Banking Corporation Limited, 52/60, Mahatma Gandhi Road, Fort, Mumbai-400001, India

7. Bank charges, if any, for both the above transfers shall be deducted from the remainder amount as given in 4 (b) above.

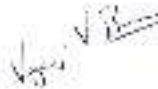
8. The Plaintiff's claims against Defendant vessel and her owner stand fully satisfied. All parties confirm they will have no claims against each other. Proceedings, if any, shall be paid by the Defendant.

9. Court fees to be expedited.

Dated this 5th day of March 2020.



[Constated Attorney]
Constated Attorney of the Plaintiff



[Constated Attorney]
Constated Attorney / Authorized
representative of the Defendant



For Hiral Rajeshkhar
Advocates for the Plaintiff



Bicus Chambers
Advocates for the Defendant

Shrikant Hathi

From: admin@kashio.com.sg
Sent: 02 March 2020 PM 1:02
To: jttam@ruschambars.com, nigel.schubert@ruschambars.com
Cc: nigel@kashio.com.sg; admin@kashio.com.sg
Subject: JHC: COMAS no. 85 of 2016, Key Ship Management and Consultants DMCC vs-
V.VICM Symex (IMO No 8812852)

FOR: RUSCHAMBERS
FROM: SYMEX MARITIME INC.

Dear Sirs,

Please proceed to file the Tension Terms in the Hon'ble High Court signed by Symex Maritime Inc. authorised representative as we have authorised him to sign all documents. We may confirm that the registered owner of the vessel V.VICM Symex was Symex Maritime Inc as on the date of giving security to the Hon'ble High Court, for release of the vessel.

Thank you and Best Regards,

Tiwari Mandeep Singh
For and on behalf of
Symex Maritime Inc (Company Registration Number 68748)
Trust Company Complex, Aetake Road, Aetake Island, Majuro,
Republic of the Marshall Islands MH 96960

Shrikant Hathi

Shrikant Hathi

3. Mr.Hathi also confirms that defendant has confirmed that the remainder amount with the Prothonotary & Senior Master be remitted to the bank account of defendant's advocate. Statement accepted.

4. Mr.Rajasekhar states that though clause-5 says poundage shall be paid by defendant, the poundage will be paid equally by both the parties. Therefore, Prothonotary & Senior Master shall remit to plaintiff a sum of USD 118,405.

5. Prothonotary & Senior Master to foreclose the fixed deposit and from the amount available, remit USD 119,000 less USD 595 = USD 118,405 to plaintiff in its account as mentioned in paragraph-4(a) and the balance amount available with the Prothonotary & Senior Master, which would naturally include interest, to be remitted in accordance with paragraph-4(b) of the consent terms.

Before remitting any amount, Prothonotary & Senior Master shall pay over to Sheriff of Mumbai rupee equivalent of USD 1190 as poundage.

All bank charges for remittance to plaintiff, to defendant and to Sheriff of Mumbai be deducted from the amount payable to defendant.

6. Suit accordingly stands dismissed as withdrawn.

Refund of court fees if any, in accordance with Rules. All interim applications stand disposed.

7 All to act on authenticated copy of this order.

(K.R.SHRIRAM,J)