

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY AND VICE ADMIRALTY JURISDICTION
IN ITS COMMERCIAL DIVISION

JUDGES ORDER (L) NO. 289 OF 2019
IN
COMMERCIAL ADMIRALTY SUIT (L) NO. 85 OF 2019

Shah Brothers ... Plaintiff

Versus

M.T. Hansa Prem (IMO No.9225330) ... Defendant

.....

Mr. Prathamesh Kamat along with Mr. Shiv Iyer and Ms. Ankita Sen i/by M/s.Ganesh & Co., Advocates for the Plaintiffs

Mr. Sagar V. Patil, Assistant Manager – Legal, for the Owners of the Defendant vessel (i.e MERCATOR LIMITED) is present.

.....

CORAM: V.G.BISHT, J.
(VACATION COURT)

DATE: 1ST JANUARY, 2020

PC:-

Mentioned. Not on board. Taken on board.

2 The Ld. Counsel for the Plaintiff states that the Plaintiff's

claim is settled in terms of Settlement Agreement letter dated 27th December 2019, issued by the owners of the Defendant vessel to the Plaintiff. He further states that the owners have issued a demand draft for sum of Rs.9,90,344/-as a full and final settlement. The Statement is accepted. The said settlement letter dated 27th December, 2019 is taken on record and marked “X” for identification. Plaintiff undertakes to pay the balance court fees, if any by 6th January, 2020 as per earlier order of this Court.

3 The Plaintiff undertakes to pay the necessary poundage as per rules.

4 In the view of the same, the order of arrest dated 21st December, 2019 stands vacated, and the Defendant vessel M.T. Hansa Prem (IMO NO.9225330) stand released from arrest. Formal instrument of released dispensed with.

5 The Learned Counsel for the plaintiff states that his advocates on record have filed caveat Nos.23/2019 and 24/2019 against release of the defendant vessel. The learned counsel for the plaintiff on instructions states that in the light of settlement between the parties to the caveat and the owners of the defendant

vessel, he has instructions to withdrawn the said caveats. The said Caveats are accordingly allowed to be withdrawn. The settlement letters issued by the owners of the defendant vessels to the caveators in Caveat Nos.23/2019 and 24/2019, are taken on record and marked “X-1” and “X-2” respectively. He further states that apart from the caveats withdrawn, there are no other caveats against release of the defendant vessel.

6 Accordingly, above Commercial Admiralty Suit is allowed to be withdrawn.

7 Refund of Court fees as per rules.

8 All Concerned authorities including ports, customs etc. to act on copy duly authenticated by the Associate of this Court. The parties are at liberty to communicate this order by fax/e-mail to all concerned.

(V.G.BISHT, J.)