

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

COMMERCIAL ADMIRALTY SUIT NO. 129 OF 2017

Navamosa Navigation S.A.Plaintiff
V/s
M.V. Neem (IMO NO.8311429) and Ors.Defendants

ALONGWITH

**COMMERCIAL NOTICE OF MOTION NO. 1976 OF 2018
IN
COMMERCIAL ADMIRALTY SUIT NO. 129 OF 2017**

Navamosa Navigation S.A.Plaintiff
V/s
M.V. Neem (IMO NO.8311429) and Ors.Defendants

ALONGWITH

COMMERCIAL ADMIRALTY SUIT NO. 312 OF 2016

Abdullah Abdullah Alal and Ors.Plaintiffs
V/s
M.V. NeemDefendant

ALONGWITH

ADMIRALTY SUIT NO. 2 OF 2021

Joplin Overseas Investment Ltd.Plaintiff
V/s
M.V. Neem (IMO NO.8311429)Defendant

ALONGWITH
CHAMBER SUMMONS NO. 945 OF 2019
IN
ADMIRALTY SUIT NO. 2 OF 2021

Joplin Overseas Investment Ltd.	Applicant
In The Matter Between	
Joplin Overseas Investment Ltd.	Plaintiff
V/s	
M.V. Neem (IMO NO.8311429) & Anr.	Defendants

Mr. Shyam Kapadia a/w Mr. Akshay Udeshi i/b M/s. Sanjay Udeshi and Co. for Plaintiff in COMAS/129/2017.
 Mr. Dhruva Gandhi i/b Parth H. Zaveri for Plaintiff in COMAS/312/2016.
 Ms. Priyanka Patel for Plaintiff in ADMS/8/2016.
 Mr. Prashant Pratap, Senior Advocate a/w Mr. Pabitra Dutta i/b Bose and Mitra and Co. for Plaintiff in ADMS/2/2021.
 Mr. V. K. Ramabadran, Senior Advocate a/w Mr. Hrutvik i/b India Law Alliance for Defendant Nos. 1 and 2 in COMAS/129/2017 and for Defendant No. 1 in COMAS/312/2016 and for Defendant No. 2 in ADMS/2/2021.

CORAM : K.R.SHRIRAM, J.
DATED : 7th APRIL, 2021.

P.C. :

1. Mr. Pratap states that the Consent Terms which is tendered today and marked “X” for identification is the same Consent Terms which has been accepted by the Division Bench in its order dated 30th March, 2021 in Commercial Appeal No.17 of 2020 with Appeal No.178 of 2017. Mr. Pratap states that by the order dated 30th March, 2021, the Appeal Court disposed Admiralty Suit No.26 of 2015 and 61 of 2015. As regards remaining suits mentioned in the Consent Terms namely Admiralty Suit (Lodging) No. 506 of 2015 now numbered as Admiralty Suit No.2 of 2021,

Admiralty Suit No.129 of 2017 and Commercial Admiralty Suit No.312 of 2016, the parties have settled these suits as mentioned in the Consent Terms which is already taken on record by the Division Bench also.

2. Therefore, Admiralty Suit No.2 of 2021, Admiralty Suit No.129 of 2017 and Commercial Admiralty Suit No.312 of 2016 stands disposed in terms of the Consent Terms.

3. All statements and undertakings accepted.

4. Refund of court fee, if any, be paid in accordance with rules.

5. All interim applications stand disposed.

6. No order as to costs.

7. All to act on authenticated copy of this order.

8. As regards Admiralty Suit No.8 of 2016 filed by Gujarat Maritime Board, a sum of Rs.1,11,00,272/- has been set aside from the sale proceeds of the vessel M.V. Neem to be retained by the Prothonotary and Senior Master, High Court, Bombay as security in respect of the suit claim by Gujarat Maritime Board and subject to adjudication thereof and determination of priorities in view of the decrees obtained by Bank of

Sharjah and Navamosa Navigation S.A. This amount represents the principal claim of Rs.68,04,836/- and interest at the rate of 12% per annum from the date of filing of the suit as claimed in the suit.

9. Ms. Patel appearing for Gujarat Maritime Board states that plaintiff is in process of settling the matter with defendant and within two weeks hope to settle the matter. Ms. Patel states that, if within two weeks the settlement terms are not arrived at, then the Court may direct the Prothonotary and Senior Master, High Court, Bombay to invest the amount in fixed deposit for such term as the court may deem fit.

10. Admiralty Suit No. No. 8 of 2016 be listed for filing Consent Terms on 22nd April, 2021.

11. Liberty to apply.

(K.R. SHRIRAM, J.)