

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY & VICE ADMIRALTY JURISDICTION
IN IT'S COMMERCIAL DIVISION

COMMERCIAL ADMIRALTY SUIT (L) NO. 49 OF 2019

Thomas Miller Specialty
Underwriting Agency Ltd.

... Plaintiff

Versus

M. V. Don Jose
(IMO No. 7911430) & Ors.

... Defendants

Mr. S. Venkiteswaran i/b. S. Priya for the Plaintiff.

Ms. Bulbul Singh a/w. Siddharth Manek i/b. Crawford Bayley &
Co., for the Defendant No.2.

CORAM: B. P. COLABAWALLA, J

DATE: 2nd SEPTEMBER, 2021.

P.C.

1. By an order dated 26th August 2021, this Court accepted the undertaking of Defendant No. 2 to make payment of USD 20,000 to the Plaintiff within seven days as full and final settlement of its entire claim in the present suit.

2. The learned counsel appearing on behalf of the Plaintiff confirms that an amount of USD 20,000 has been received in Plaintiff's account and seeks to withdraw the suit.
3. The learned counsel appearing on behalf of Defendant No. 2 states that there is no caveat against release of the Defendant-Vessel. Her statement is accepted. The Court officer has also checked the Caveat against Release book and has verified that there are no pending caveats against release of the Defendant-Vessel.
4. In view of the aforesaid, the following order is passed:
 - a. The undertaking given to this Court by Defendant No. 2 in the present suit stands satisfied.
 - b. In view of the above, the order of arrest dated 19th July 2019 is vacated and the Vessel, M. V. Don Jose (IMO No. 7911430) stands released. Instrument of Release is dispensed with.
 - c. The present suit stands dismissed as withdrawn. Refund of court fees, if any, as per rules. Refund to be issued in the name of Plaintiff's advocate. Plaintiff's advocate undertakes that this amount

will be remitted to the Plaintiff or adjusted against their fees as per Plaintiff's instructions.

5. Defendants to pay Sheriff's poundage and all costs of release.

6. Parties are at liberty to forward a copy of the communication from the Office of the Sheriff of Mumbai, along with a copy of this order by Fax/ Email/ Hand Delivery/RPAD, to the Port and Customs.

**GANESH
SUBHASH
LOKHANDE**

Digitally signed by
GANESH SUBHASH
LOKHANDE
Date: 2021.09.02
13:05:26 +0530

7. All parties to act on an authenticated copy of this order digitally signed by the Personal Assistant/Private Secretary/Associate of this Court.

(B. P. COLABAWALLA, J)