

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY AND VICE-ADMIRALTY JURISDICTION**

IN ITS COMMERCIAL DIVISION

**COMMERCIAL ADMIRALTY SUIT (LODG.) NO. 72 OF 2019
ALONG WITH
JUDGE'S ORDER NO. 201 OF 2019**

Seamec Limited .. Plaintiff
Vs.
M.V. VARAPRADA (IMO No.8222161)
& Anr. .. Defendants

Mr. Arnav Monanty i/b M/s. Khaitan & Co. for plaintiff.

Mr. Rajesh Kumar Shahi, Managing Director of Glory Shipmanagement Private Limited-defendant No.2 is present.

CORAM : N.J. JAMADAR, J.

**DATE : 28TH OCTOBER 2019
(VACATION COURT)**

P.C.

- 1.** Heard the learned counsel for the plaintiff.
- 2.** This Court, by order dated 17th October 2019, had arrested M.V. VARAPRADA, the 1st defendant.
- 3.** The plaintiff has moved a praecipe asserting that the dispute between the parties has been amicably resolved. The Glory Shipmanagement Private Limited-the 2nd defendant, has paid an aggregate sum of Rs.20,53,713.60 towards full and final settlement of the plaintiff's claim under the suit and, thus, the plaintiff desires to withdraw

the suit and also seeks release of the 1st defendant vessel M.V. VARAPRADA. The plaintiff has also undertaken to pay the poundage @ 1% of the principal amount, i.e., Rs.18,353.60 to the Sheriff of Mumbai.

4. In view of the settlement arrived at between the parties, and the request made by the plaintiff to release the vessel, in accordance with the provisions contained in Rule 954(i) of the Rules for Regulating the Procedure and Practice in Cases brought before the High Court under the Colonial Courts off Admiralty Act, 1890, the vessel M.V. VARAPRADA is hereby ordered to be released. The vessel M.V. VARAPRADA is permitted to sail forthwith.

5. The Sheriff of Mumbai is directed to issue letters of release addressed to the concerned authorities.

6. In view of urgency, the instrument of release is dispensed with.

7. The plaintiff as well as the defendant No.2 are at liberty to communicate this order. All concerned authorities including Port, Custom Authorities and Sheriff of Mumbai to act on an ordinary copy of this order duly authenticated by the Associate of this Court.

8. The plaintiff undertakes to pay the poundage of Rs.18,353.60 to the Sheriff of Mumbai within ten days. The undertaking is accepted as an undertaking to this Court.

9. In view of the above, the suit is disposed of as withdrawn.

Court fee refund be made as per Rules.

10. In view of withdrawal of the suit, the Judge's Order No. 201 of 2019 does not survive and the same is accordingly disposed of.

[N.J. JAMADAR, J.]