

Dixit

Jayant D.
Kandarkar

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Jayant D. Kandarkar
Date: 2020.04.03
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
[COMMERCIAL DIVISION]

COMMERCIAL ADMIRALTY SUIT (LODGING) NO.10 OF 2020

Integr8 Fuels India Pvt. Ltd.	 Plaintiff
V/s.	
WILCHIEF 1 (IMO No.8304799)	 Defendant

Mr. Ashwini Sinha, i/by Mr. Harsh Pratap, for the Plaintiff.

Mr. Rishi Murarka, i/by Mr. Ashwin Shankar, for the Defendant.

CORAM : A.K. MENON, J.

DATE : 3RD APRIL 2020.

[THROUGH VIDEO CONFERENCE]

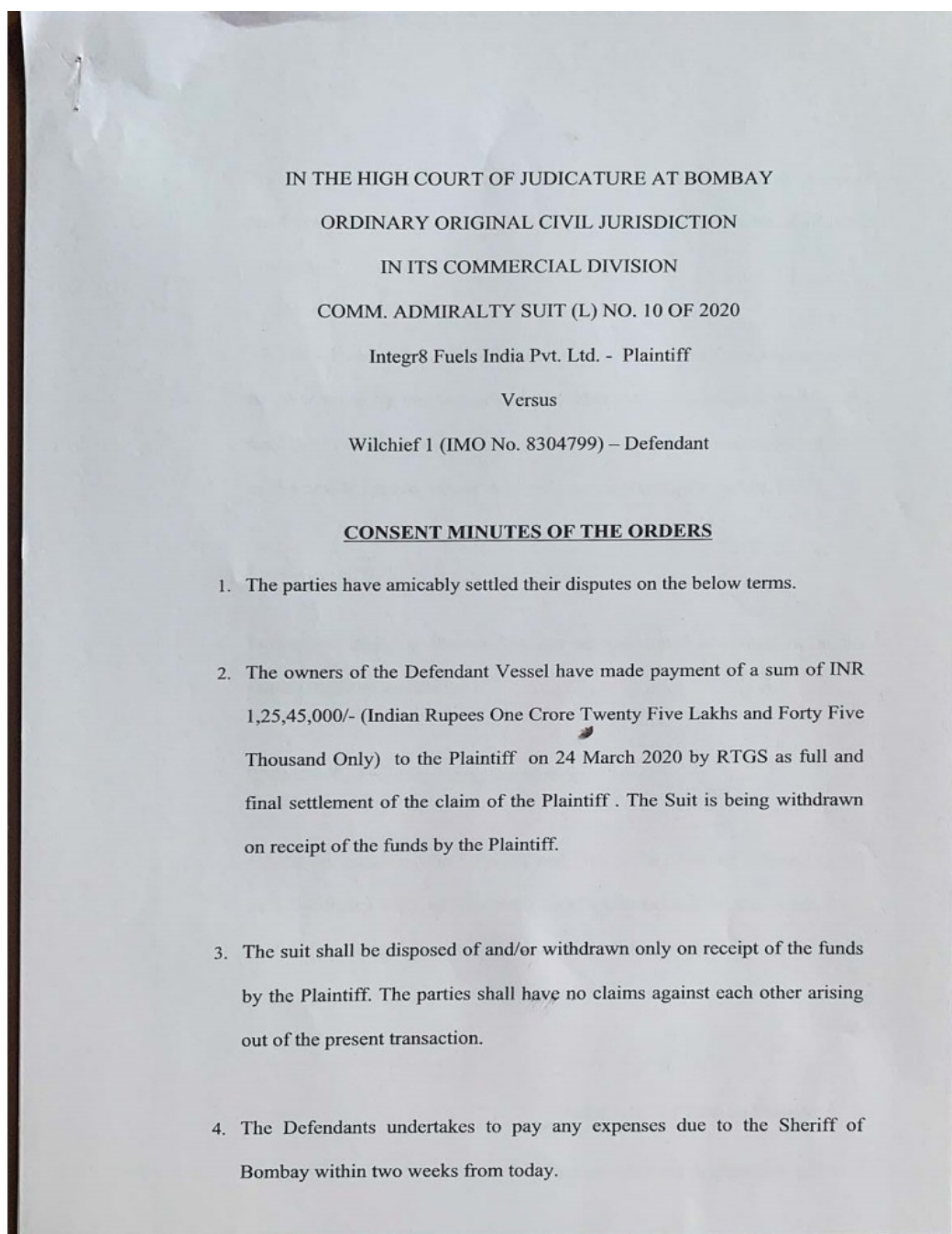
P.C. :

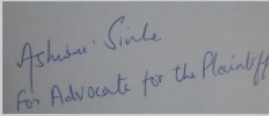
1. This hearing is convened on the video conferencing facility provided by the registry in view of restrictions placed on the personal hearings in a court room and in view of the social distancing requirements resulting from the COVID 19 pandemic. Accordingly, at the request of the defendant's Advocate, the matter has been listed today. The Advocate for the plaintiff has consented to this hearing by video conference.

2. It is the case of the defendant that the entire claim in the suit has been paid over to the plaintiff by RTGS transfer. Mr. Sinha, learned Advocate on behalf of the plaintiff, today confirms receipt of the suit claim.

3. Both the learned Advocates have sent in Consent Terms, which are said to be signed on 25th March 2020 by Mr. Indrameet Bedi, Director of the plaintiff, and one Jay Kishan Thapa, Managing Director of the defendant. The

Consent Terms are also signed by Mr. Sinha as Advocate for the plaintiff and Mr. Murarka on behalf of the defendant. Both Mr. Sinha and Mr. Murarka confirm the signatures appended to the Consent Terms, which have been transmitted to the registry by e-mail in advance. For ease of reference, the scanned copy of the Consent Terms is reproduced below.



	
_____ (Advocate for the Plaintiff)	_____ (Advocate for the Defendant)

4. Since the Caveat Register is not physically available, the learned Advocate for the defendant states that he had taken search and has not been able to locate any Caveat. The order of release of vessel is therefore subject to there being no other Caveat.

5. Accordingly, in view of the parties having amicably settled their dispute and the fact that the plaintiff has confirmed receipt of funds by consent and at the request of both the parties' Advocates appearing on the Video conference, I pass the following order :-

- (i) There will be an order in terms of the Consent Terms, signed by the plaintiff, defendant and their respective Advocates, e-mailed to the registry on 2nd April 2020, which are reproduced above.
- (ii) In view of the restrictions placed on personal attendance, the presence of the two signatories is dispensed with. Parties Advocates present on video conference, undertake to ensure that the terms agreed between the parties are complied.
- (iii) By virtue of the settlement and subject to there being no other caveat registered and subject to payment of all costs, charges and expenses of the Sheriff of Bombay, the order of arrest of defendant no.1-vessel stands vacated.
- (iv) The Sheriff of Bombay shall accordingly act on an ordinary copy of these minutes duly authenticated by digital signature of the Associate / Senior Private Secretary concerned.

- (v) Undertakings of the defendant to pay all expenses due to the Sheriff, is accepted.
- (vi) The Sheriff's office and all parties shall act on a copy of this order as authenticated. The authenticated copy shall be issued after verifying that no other Caveat is filed.
- (vii) Suit is disposed in the above terms. Court fees to be refunded as per rules and in due course.

(A.K. MENON, J.)