

(2019) 11 GUJ CK 0050
In the Gujarat High Court

Case No : R/Admiralty Suit No. 43, 36244 Of 2019

Cockett Marine Oil (ASIA) PTE LTD

APPELLANT

Vs

MV Star Genesis

RESPONDENT

Date of Decision : 01-11-2019

Acts Referred:

Citation : (2019) 11 GUJ CK 0050

Hon'ble Judges : Sangeeta K. Vishen, J

Bench : Single Bench

Advocate : Paurami B. Sheth, Dhaval D Vyas

Judgement

Sangeeta K. Vishen, J

1. The plaintiff undertakes to meet with office objection regarding court fees by 4th November 2019 and rest of the objections, if any, shall be removed within a week except as regards type copy which is dispensed with.
2. Heard Ms. Paurami Sheth learned Advocate for the plaintiff and Mr. Dhaval Vyas learned Advocate for the defendant Caveator.
3. The parties have reached to the consensus on without prejudice basis that the defendant shall tender letter of undertaking of GARD P. &I. (Bermuda) Ltd. which shall be replaced by cash security within one week from today.
4. In view of the aforesaid consensus, I do order that the defendant Vessel MV STAR GENESIS (IMO No.9457464), along with her hull, engines, gears, tackles, bunkers, machinery, apparel, plant, furnitures, equipments and all appurtenances, at present lying at Deendayal Port, Kandla is arrested.
5. Mr. Dhaval Vyas, learned Advocate has tendered scanned copy of letter of undertaking of GARD P. & I. (Bermuda) Ltd. dated 31st October 2019 along with scanned copy of swift advise for a sum of USD 466,260.91 indicating the remittance of suit claim amount in the US Dollar Account maintained with the Punjab National Bank by this Court, without prejudice to the rights and

contentions of the defendant and without submitting to the jurisdiction. He further submits that the said remittance is expected to be credited latest by 5th November 2019.

6. In view of the consensus arrived at between the parties, the Registry is directed to accept the aforesaid amount as and when the same is credited in the US Dollars Account maintained with Punjab National Bank and not to effect Arrest Warrant. In other words, the vessel is released and is permitted to sail, with respect to proceedings of this suit.

7. It is open for the learned Advocates to communicate the above order by fax message/e-mail at their own cost and the authorities are directed to act on fax/e-mail message.

8. The undertaking filed by Shri Raju Prabhatbhai Desai, Authorised Person of the Plaintiff is taken on record.

9. This order is passed without prejudice to the rights and contentions of the respective parties.

10. Stand over to 14th November 2019.

11. Direct service is permitted, today to the defendant. (Sangeeta K. Vishen,J)
Binoy B Pillai

Witness VIKRAM NATH, Esquire the CHIEF JUSTICE at Ahmedabad aforesaid this
01st day of November, 2019