

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/ADMIRALTY SUIT NO. 11 of 2024

**With
CIVIL APPLICATION (OJ) (FOR DIRECTION) NO. 1 of 2024
In R/ADMIRALTY SUIT NO. 11 of 2024**

**With
CIVIL APPLICATION (OJ) (FOR DIRECTION) NO. 6 of 2024
In R/ADMIRALTY SUIT NO. 11 of 2024**

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BULK SPENCER NAVIGATION LTD.

Versus

BULK NORTHVILLE(IMO NO 9457567) & ANR.

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Appearance:

GUPTA LAW ASSOCIATES(9818) for the Defendant(s) No. 2

MR SALIL M THAKORE(5821) for the Defendant(s) No. 1

MS PAURAMI B. SHETH(841) for the Plaintiff(s) No. 1

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CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT

Date : 20/12/2024

ORAL ORDER

1. Learned Advocate Ms. Paurami Sheth for the plaintiff tenders Pursish dated 20.12.2024 interalia seeking permission to withdraw the present suit and vacating injunction granted by this Court vide order dated 28.03.2024.

2. Learned Advocate Mr. Salil Thakore for the Defendant vehemently objected for the withdrawal of the suits but submitted that this Court may not continue the interim relief granted in the present suit.

3. Considering the submissions made by both the sides, it would appear that while the plaintiff may or may not be permitted to withdraw the suit, but a question upon withdrawal would arise whether the defendant-vessel and/or its owners be entitled to seek damages for the wrongful restraint/arrest of the vessel in question.
4. Considering such a position, the Pursish dated 20.12.2024 is taken on record. The issue as regards whether the defendant vessel/its owners would be entitled to any damages from the plaintiff of the present suit would be decided at the stage of final disposal of the suit.
5. Considering the position that the pursis for withdrawal of the suit has been filed, the request made by learned advocate Mr.Thakore seems to be reasonable and whereas, it is directed that interim relief granted by this Court in the present suit shall not be continued any further.
6. The Registry is directed to intimate this order to Port and Customs at Dahej Port through Email at the following addresses and the Authorities at Dahej Port shall take note of this order.

A. pankaj.sinha@adani.com

B. marinecontrol.dahej@adani.com

C. vijay.rathore@adani.com

Customs Authorities:

D. adccussurat@gmail.com

E. icd-ankleshwar@gov.in

7. It is open for the Defendant's advocate to communicate the above order by Email and the Port Officer and the Customs Authorities at Dahej Port are directed to take note of this order that the Defendant Vessel at present lying at Dahej Port within the Indian territorial waters is free from restrained order dated 28.03.2024 granted in the present Suit and further directed to act on Email message with an ordinary copy of this order.

8. List the present suit on 14.03.2025. Purshish filed by learned advocate for the plaintiff is taken on record.

Direct service is permitted today to the Defendant.

DIPTI PATEL

(MAUNA M. BHATT,J)