

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/ADMIRALTY SUIT NO. 12 of 2025**

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EVER MARINE ENGINEERING TRADING CO. LIMITED

Versus

MV JAGUAR (IMO NO 9293002)

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Appearance:

MR SUKUMAR M TIRTHANI(12200) for the Defendant(s) No. 1

MR.PARTH CONTRACTOR(7150) for the Defendant(s) No. 1

MR DIPEN DESAI for MS JAYINI D THAKORE(11651) for the Plaintiff(s)
No. 1

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CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT**Date : 08/04/2025****ORAL ORDER**

1. This suit was listed today upon an early listing request made by the Plaintiff's Advocate, Ms Jayini D Thakore, on 07/04/2025, pursuant to a settlement arrived between the parties.
2. Heard Advocates Mr. Dipen Desai for Ms.Thakore for the Plaintiff and Mr Sukumar Tirthani for the Defendant Vessel.
3. Learned Advocates for the respective parties have tendered a joint pursish and submit that the parties have amicably resolved their disputes, and the Defendant Vessel be released from the arrest she was placed under pursuant to the order

dated 28/03/2025. The pursish is accompanied by a copy of a signed Settlement Agreement dated 04/04/2025. Both the pursish and the Settlement Agreement dated 04/04/2025 are taken on record and are to be considered part of this order.

4. In light of the above-mentioned submissions by the respective Learned Advocates, and without derogation or prejudice to the terms of the settlement agreement, the following consent order is passed—

- i. The parties have amicably resolved their disputes by entering into a settlement agreement dated 04/04/2025, a signed and executed copy of which is presented to the Hon'ble Court.
- ii. According to the terms of the Settlement Agreement, specifically those outlined in Paragraph 2, the Plaintiff accepts and acknowledges that they shall be entitled to USD 2,200,000 (United States Dollars Two Million, Two Hundred Thousand Only) as a full and final settlement for the claims made by them in Admiralty Suit 12/2025 against the Defendant Vessel.
- iii. In order to secure the release of the vessel, the

owners or any other party interested in the Defendant Vessel shall deposit USD 2,200,000 (United States Dollars Two Million, Two Hundred Thousand Only) as a full and final settlement in Gujarat High Court's USD account maintained with Punjab National Bank, Ashram Road.

- iv. Upon confirmation by the Registry of the receipt of USD 2,200,000 (United States Dollars Two Million, Two Hundred Thousand Only), the Defendant Vessel shall stand released from arrest.
- v. Upon confirmation by the Registry of the receipt of USD 2,200,000 (United States Dollars Two Million, Two Hundred Thousand Only), the Registry shall forthwith communicate the present release order to the Sikka Port and Customs authorities at the email IDs mentioned in para 14 of the arrest order dated 28/03/2025.
- vi. Upon confirmation by the Registry of the receipt of USD 2,200,000 (United States Dollars Two Million, Two Hundred Thousand Only), the Plaintiff's Advocates shall immediately, at their cost and expense, serve, circulate, and communicate the present release order to the

Sikka Port and Customs authorities on the email IDs mentioned at para 14 of the arrest order dated 28/03/2025.

- vii. Upon confirmation by the Registry of the receipt of the USD 2,200,000 (United States Dollars Two Million, Two Hundred Thousand Only), the Defendant vessel's Advocates may, at their cost and expense, share and communicate the present release order to the Sikka Port and Customs authorities by email, hand or fax.
- viii. Defendant accepts, and consents to, and acknowledges that it has no objection or reservation regarding the release or remittance of the sum of USD 2,200,000 (United States Dollars Two Million, Two Hundred Thousand Only) to Plaintiff after its receipt by the registry. However, it is clarified that the Defendant Vessel shall stand released upon confirmation from the registry that the funds have been received, and it will be the Plaintiff's responsibility to coordinate with the registry for the release or remittance of the funds from the Registry to the account designated by the Plaintiff.

5. Accordingly, in light of the consent order set out above, the Registry is directed the following –

- i. Upon receipt of USD 2,200,000 (United States Dollars Two Million, Two Hundred Thousand Only) or any other sums in excess of the said sums, the Registry shall immediately communicate the receipt to the Learned Advocates for the respective parties.
- ii. Upon receipt of USD 2,200,000 (United States Dollars Two Million, Two Hundred Thousand Only) or any other sums in excess of the said sums, the Registry shall place a note in the court file confirming the receipt.
- iii. Upon receipt of USD 2,200,000 (United States Dollars Two Million, Two Hundred Thousand Only) or any other sums in excess of the said sums, the Registry shall immediately communicate the present release order to Sikka Port and Customs authorities on the email IDs stated in para 14 of arrest order dated 28/03/2025.

- iv. After communication of the present release order on the Sikka Port and Customs Authorities, the Registry shall coordinate with the Plaintiff's Advocates for the release/remittance of sums up to USD 2,200,000 (United States Dollars Two Million, Two Hundred Thousand Only) in the bank account that shall be nominated by or on behalf of the Plaintiff.
 - v. Any sums in excess of USD 2,200,000 (United States Dollars Two Million, Two Hundred Thousand Only) shall be refunded in the name of the Defendant Vessel's Advocates.
6. The Learned Advocates of the respective parties shall communicate and serve the present release order on Sikka Port and Customs Authorities after confirmation from the registry that the funds are received. The Port and Customs authorities at Sikka are directed to act upon the production of the ordinary copy of this order and release the Defendant Vessel forthwith, without awaiting any further communication from the registry of the High Court of Gujarat.
7. After the receipt of funds by the Registry, the Registry is hereby directed to transfer the amount to the Bank Account

of the Plaintiff in the below mentioned account, within a period of 15 days from the receipt of the funds.

Account Holder: EVER MARINE ENGINEERING TRADING CO. LIMITED

Bank Name: China CITIC Bank International Limited

Bank Code: 018

Account no.: 694-1-93490501

Swift code: KWHKHKHH

8. Until the above exercise of receiving funds by the Registry, communicating this order to the Port and Customs authorities at Sikka, releasing the Defendant vessel, and remitting funds to the Plaintiff is concluded, the captioned Admiralty Suit shall be kept in abeyance with the liberty for the Plaintiff to move for withdrawal as and when deemed appropriate.
9. Stand over to 11.07.2025 Direct Service **TODAY** to the Defendants.

(MAUNA M. BHATT,J)

NAIR SMITA V./06

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: SMITA VINU NAIR(HC00186), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 08/04/2025 15:43:44