

Appellant Vs. Respondent

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Court : Kolkata

Decided On : Dec-17-2012

Judge : Soumen Sen

Appellant : Appellant

Respondent : Respondent

Judgement :

ORDER

SHEET G.A.No.3283 of 2012 A.S.No.3 of 2012 T.A.No.155 of 2012 IN THE HIGH COURT AT CALCUTTA Admiralty Jurisdiction -QVC INTERNATIONAL PRIVATE LIMITED .Plaintiff Versus THE OWNERS & PARTIES INTERESTED IN THE VESSEL M.V.ELENI M.Defendant BEFORE: The Hon'ble Justice SOUMEN SEN
Date :

17. h December, 2012.

Appearance: Mr.Ratnanko Banerji, MRS.Lapita Banerji, Mr.Swarajit Dey, Mr.Indradeep Basu, Advocates .For the Plaintiff Mr.P.S.Basu, Advocate for the Defendant The Court: This matter is mentioned at the instance of the plaintiff.

Both the learned Advocates for the plaintiff and the defendant are present.

The matter, by consent, is treated as on the days list.

Mr. Banerji appearing on behalf of the plaintiff submits that pursuant to the order dated 13th December, 2012 the vessel was arrested and the owners have not come and agreed to furnish security in order to release the vessel.

He also submits that a Letter of Indemnity has already been furnished by the vessel owner to the satisfaction of the plaintiff.

In view of such submission and having regard to the fact that adequate security has been furnished on behalf of the owners of the vessel to the satisfaction of the plaintiff, the order of arrest passed on 13th December, 2012 is vacated.

The Marshall is directed to release the vessel immediately and appropriate communications of this order be made by fax or e-mail or by any other mode of swift communication to Haldia Port authorities, Customs authorities, Coast Guard authorities and all other statutory authorities who shall act on the basis of the minutes of this order.

The application for arrest of the vessel is thus disposed of.

Since no affidavit-in-opposition has been filed, allegations made in the application are not admitted by the defendant.

All parties including the Haldia Port authorities, Customs authorities, Coast Guard authorities, Marshall of this Court and all other statutory authorities are to act on a signed photocopy of this order on the usual undertakings.

(SOUMEN SEN, J.) km AR(CR)

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