

**IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(ADMIRALTY JURISDICTION)**

ADMIRALTY SUIT NO. 37 OF 2020

IN THE MATTER OF:

Shapoorji Pallonji Forbes Shipping Limited. Plaintiff
-VERSUS-

Ministry of Fisheries and Livestock and others. Defendants

Mr. Mohiuddin Abdul Kadir, with
Ms. Zinia Amin, and
Mr. Noor Mohammad Mozumder Roni, Advocates
..... For the plaintiff
Ms. Shahida Khatoon, Deputy Attorney General
..... For the defendant No. 1

The 17th December, 2025

Present:
Mr. Justice Zafar Ahmed

Plaintiff and defendant No. 1 have filed a joint application (entry No. 10801 dated 15.12.2025) under Order XXIII rule 3 of the Code of Civil Procedure, 1908 (CPC) to pass a decree in accordance with the terms of “Settlement Agreement” entered into between the parties.

The plaintiff, Shapoorji Pallonji Forbes Shipping Limited, a company based in India and registered owners of the vessel M.T. MALHARI (IMO No. 9414333), filed the instant Admiralty Suit against the Ministry of Fisheries and Livestock and others for

damages and compensation for wrongful detention of the vessel M.T. MALHARI for an amount for USD 167,500 equivalent to BDT 1,42,37,500.00 (1 USD=85 BDT at the time of filing of suit on 03.11.2020). The defendant No. 1 has filed written statement.

This Court, on 23.11.2020, passed an order for release of the vessel M.T. MALHARI from detention subject to the conditions contained therein. Accordingly, the plaintiff deposited BDT 1,69,59,986.46 in the account of the Marshal by way of pay order which was encashed by order of this Court passed on 08.12.2020. The said encashed amount of BDT 1,69,59,986.46 is now lying with the account of the Marshal. The plaintiff also furnished Bank Guarantee being No. 411020865773-FS dated 19.11.2020 reducing the Bank Guarantee amount to BDT 3,08,99259.80 by the letter of amendment dated 10.01.2021 issued by Standard Chartered Bank, 67, Gulshan Avenue, Gulshan-1, Dhaka.

It is stated in the instant application that now the parties have reached amicable settlement/ compromise out of the Court. The relevant terms and conditions of the settlement have been reproduced at para 5 of the plaint. Those are reproduced below:

I. M.T. MALHARI জাহাজ মালিক পক্ষ সরকারের অনুকূলে ১,০০,০০,০০০/- (এক কোটি) টাকা ক্ষতিপূরণ বাবদ প্রদান করবেন। এ অর্থ পরিশোধ করা হলে সরকারের আর কোন দাবি থাকবেনা। সরকার পক্ষ আদালত বা অন্য কোন ভাবে ক্ষতি পূরণের জন্য কোন কার্যক্রম গ্রহণ করবে না।

II. M.T. MALHARI কর্তৃপক্ষ দুটি চেকের মাধ্যমে মোট অর্থ পরিশোধ করবেন। একটি প্রান্তিক বেঙ্গল স্যালভেজ এন্ড ডাইভিং কোম্পানির সার্ভে

বিল পরিশোধ বাবদ অর্থ- ৭,৪৮,৭৫০/- সাত লক্ষ আটচল্লিশ হাজার
সাতশত পঞ্চাশ) টাকার চেক, অন্যটি সরকারের নির্ধারিত কোডে
৯২,৫১,২৫০ (বিরানবই লক্ষ একান্ন হাজার দুইশত পঞ্চাশ) টাকার চেক।

The English text of the above-mentioned terms and conditions

are as follows:

- I. The owners of M.T. MALHARI shall pay the Government a sum of 100,00,000/- (Taka One Crore only) as compensation. Upon payment of this amount, the Government shall have no further claim. The Government shall not initiate any proceedings, whether before a court or by any other means, for further compensation.
- II. The authorities of M.T. MALHARI shall make the total payment through two cheques, one cheque for BDT 7,48,750/- (Taka seven lakh forty-eight thousand seven hundred fifty only), representing payment of the survey bill of Bengal Salvage & Diving Company; and another cheque for BDT 92,51,250/- (Taka ninety-two lakh fifty-one thousand two hundred fifty only) to be deposited to the Government's designated code.

On perusal of the materials on record, this Court is of the view that a lawful compromise has been effected between the parties and there exists no legal impediment to pass a decree in terms of the "Settlement" as per provisions of Order XXIII rule 3 of the CPC. Hence, the joint application filed under Order XXIII rule 3 is allowed.

Accordingly, the suit is decreed in terms of the "Settlement" set out at para 5 of the instant application which have been reproduced in the body of this judgment.

The Marshal of this Court is directed to issue pay orders in favour of Prantik Bengal Salvage and Diving, Akhtaruzzaman Center, 7th Floor, 21/22, Agrabad C/A, Chittagong-4100, Bangladesh for Tk. 7,48,750.00 and another pay order in favour of the Ministry of Fisheries and Livestock, Government of Bangladesh Code 1440101-122990-11000000-11001000-14411299 for an amount of BDT 92,51,250.00.

The Marshal of this Court is further directed to return the balance amount of BDT 69,59,986.46 out of TK. 169,59,986.46 encashed and deposited in the account of the Marshall of this Court to the account of the plaintiff's insurer, namely The Britannia Steam Ship Insurance Association Europe USD, Bank of New York Mellon, Swift – IRVTUS3N ABA No. 021000018, Account Number: 890-0574-763 by way of remittance upon obtaining necessary permission from Bangladesh Bank. The Marshal is also directed to return of Bank Guarantee being No. 411020865773-FS dated 19.11.2020 for BDT 3,08,99,259.08 issued by Standard Chartered Bank, 67, Gulshan Avenue, Gulshan-1, Dhaka, Bangladesh to the learned Advocate Mr. Mohiuddin Abdul Kadir for the plaintiff for its cancellation.