

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY AND VICE ADMIRALTY JURISDICTION**

**NOTICE OF MOTION NO. 993 OF 2016
IN
ADMIRALTY SUIT NO. 18 OF 2016**

Madison Pacific Trust Ltd.	In the matter between	...Applicant
Madison Pacific Trust Ltd.		...Plaintiff
Versus		
MV Garv Prem and Anr.		...Respondent

**with
NOTICE OF MOTION NO. 1144 OF 2016
IN
ADMIRALTY SUIT NO. 18 OF 2016**

International Bunker Services Ltd.	In the matter between	..Applicant
Madison Pacific Trust Ltd.		...Plaintiff
Versus		
MV Garv Prem and Anr.		...Respondent

**with
NOTICE OF MOTION NO. 1161 OF 2016
IN
ADMIRALTY SUIT NO. 18 OF 2016**

Jotun India Pvt. Ltd.	In the matter between	...Applicant
Madison Pacific Trust Ltd.		...Plaintiff
Versus		
MV Garv Prem and Anr.		...Respondent

Office of Sheriff of Mumbai, Present

Mr. Arjun Mital i/b Bose & Mitra & Co. Advocate for the Applicant/ Plaintiff.

Ms. Ritcha Sahay i/b Ashwin Shanker for the Applicants in NMS. 1144/16

Ms. Ritcha Sahay i/b Bimal Rajasekhar for the Applicants in NMS. 1161/16 respectively.

CORAM : S.J. Kathawalla, J.

**Date: 9th May, 2016
(in Chambers)**

P.C.:

1. Pursuant to the order for the Sale of the Defendant Vessel dated 25th April 2016, the Sheriff has submitted the Valuation Report of the Defendant Vessel as carried out by Surveyors M/s. Ericson Richards. Perused the Valuation Report. The Reserve Price for the Defendant Vessel is fixed at USD 8,000,000/- (United States Dollars Eight Million). The Terms and Conditions and Notice for the Sale of the Vessel to be set accordingly.

2. The Plaintiff in the present suit has already deposited a sum of INR 5,00,000/- with the Office of Sheriff of Mumbai towards Sheriff's expenses for the valuation of the Vessel and the advertisement costs which may be paid out to the Plaintiff immediately upon receipt of sale proceeds in this Court. M/s. Ericson Richards has submitted an invoice for a sum of INR 3,83,995/- for costs of the valuation, which may be paid out to them. The balance money deposited by the Plaintiff may be applied to the advertisement of the Sale Notice.

3. The advertisement of the Sale Notice shall continue as per the order dated 25th April 2016. The remaining directions as to the schedule for the sale process stands modified as follows :

- (i) Inspection by intending bidders between 16th May and 2nd June, 2016;
- (ii) Last date for submission of bids to the Sheriff of Mumbai - 3rd June, 2016
- (iii) Confirmation of the offer of the highest bidder by the Court - 6th June, 2016 at 3.00 p.m
- (iv) Payment of balance purchase price by the purchaser - 15th June 2106

4. The intervention applications of International Bunker Services Ltd. and Jotun India Pvt. Ltd. to intervene in the present suit of the Plaintiff are allowed. The Plaintiff to carry out amendment of the Plaint within two weeks from today and serve a copy of the amended Plaint on both parties. The Notice of Motion No. 1144 of 2016 and Notice of Motion No. 1161 of 2016 are accordingly disposed of. Both Intervenors are directed to file their Written statement within 12 weeks thereafter.

5. The office of the Sheriff of Mumbai has received requests from the Master of the Defendant Vessel for supply of provisions and payment of crew wages. The Plaintiff has agreed to deposit the amounts for the same with the Sheriff's Office at the first instance and the same may be paid back to them immediately upon the receipt of the sale proceeds in this Court.

6. The Master has submitted a statement of crew wages due for the month of April, 2016 for a total sum USD 36,249. The same may be deposited by the Plaintiff and paid out by the Sheriff's Office into the accounts of the crew.

7. The Master has also submitted a quote from one M/s. Green View Marine and Co., for supply of provisions for the month of May and June 2016 in the sum of Rs.7,19,309.12. The Plaintiff has no objection to this sum. The Advocate for the Intervenors submit that the said sum may be disbursed after verification. As the said quote for provisions is reasonable, the Sheriff's Office may order the provisions to be supplied on receipt of the deposit from the Plaintiff.

(S.J. Kathawalla, J.)