

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1514 OF 2015
IN
SUMMARY SUIT NO. 491 OF 2015

Dan-Bunkering (Middle East) DMCC

...Applicant/
Plaintiff

Versus

Leighton India Contractors Pvt. Ltd.

...Defendant

Mr. P.K. Dhakephalkar, Senior Advocate, a/w Mr. Prasad Shenoy & Ms. Bulbulsingh, i/b Crawford Bayley & Co., for the Plaintiff.

Mr. D.D. Madon, Senior Advocate, i/b Mulla & Mulla Craigie Blunt Caroe, for the Defendant.

CORAM : S.C. GUPTE, J.
DATE : 9th February 2016

P.C. :

1. This Notice of Motion is taken out by the Plaintiff/Applicant for attachment of property under Order XXXVIII Rule 5 of the Code of Civil Procedure, 1908. Notice of Motion seeks an injunction restraining the Defendant from transferring the goods/cargo to be loaded on board the vessel M.V. SEAMEC III and

also for declaration of unencumbered assets of the Defendant. There was no ad-interim relief granted in the Notice of Motion restraining loading of cargo on board the vessel. Cargo was loaded and the vessel even left thereafter. In pursuance of a direction for disclosure of the statement of affairs and assets of the Defendant in this country, an affidavit has already been filed by the Defendant.

2. Learned Counsel for the Plaintiff, in the premises, agrees that the Notice of Motion has effectively worked itself out.

3. The Motion is accordingly disposed of, with no further orders.

[S.C. GUPTE, J.]