

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY AND VICE ADMIRALTY JURISDICTION
NOTICE OF MOTION NO.1223 OF 2015
IN
ADMIRALTY SUIT NO.48 OF 2014**

Rahul Choudhary and Ors.	...	Plaintiffs
versus		
Kamal XXXXI MV and Ors.	...	Defendants
and		
Mumbai Port Trust	...	Applicant

Mr. Viral K. Rathod i/by Ms. Sangeeta Yadav, for Plaintiffs.
Mr. Ajay Fernandes i/by M/s. Motiwala and Co., for Defendant No.4/Applicant.

CORAM: S.J. KATHAWALLA, J.

DATE: 10th OCTOBER, 2016

P.C.:

1. Heard the learned Advocates for the parties. Perused the Notice of Motion and the Affidavit in support thereto. For reasons set out in the Affidavit in support of the Notice of Motion, the Notice of Motion is allowed in terms of prayer clauses (a), (b) and (c), which are reproduced hereunder :

“(a) that the delay in taking out this Notice of Motion be condoned;
(b) that the above matter be removed from the caption of ex-parte decree;
(c) that this Hon'ble Court be pleased to take on file the 4th Defendant's Written Statement;”

2. Written Statement of Defendant No.4 is taken on record. The Notice of Motion is accordingly disposed of.

3. Place the Suit for Framing of Issues on 27th November, 2016.

(S.J.KATHAWALLA, J.)