

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY AND VICE ADMIRALTY JURISDICTION
NOTICE OF MOTION NO.2853 OF 2016
IN
ADMIRALTY SUIT NO.48 OF 2010**

Smit Singapore Pte Ltd. ... Applicant/Plaintiff
versus
M.V.Khalija and ors. ... Defendants

Mr. A.M.Vernekar, for Capt. S.H.Gawandi.
Mr. Bimal Rajsekhar i/by Mr. Ashwin Shankar, for Intervener.
Mr. Rahul Narichania, Senior Advocate with Mr. Arjun Mittal i/by M/s. Bose and
Mitra and Co., for Plaintiff.
Mr. Ajay Fernandes i/by M/s. Motiwala and Co., for Defendant No.3.

CORAM: S.J. KATHAWALLA, J.

DATE: 15th DECEMBER, 2016

P.C.:

1. Heard the learned Advocates for the parties and by consent, the Notice of Motion is allowed in terms of prayer clause (a), which is reproduced hereunder :

"(a) For an order and direction that the Sheriff shall send for publication in such newspapers as the Court may direct, a notice complying with the provisions of Sub-rule 951(3) of the Bombay High Court Rules stating *inter alia* that any person having a claim against the property of the Defendant No.3 Vessel or Sale proceeds thereof should file his claim before this Court before the expiration of ninety (90) days or such other period as the Court may specify from the date of such notice and that an order of priority of claims shall not be determined until after the expiration of the said period;"

2. The advertisement may be placed in terms of the draft tendered, which is taken on record and marked 'X' for identification.

3. As far as prayer clause (b) is concerned, liberty is granted to the Plaintiff to take out a fresh Application seeking prayer clause (b). The Notice of Motion is accordingly disposed of.

(S.J.KATHAWALLA, J.)