

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY AND VICE ADMIRALTY JURISDICTION
IN ITS COMMERCIAL DIVISION
JUDGE'S ORDER NO.111 OF 2015
WITH
COMMERCIAL CHAMBER SUMMONS NO.162 OF 2018
IN
COMMERCIAL ADMIRALTY SUIT NO.95 OF 2015**

The Board of Trustees of the Port of MumbaiPlaintiff

Vs.

Damania-I and Anr.Defendants

Mr. Prashant Pratap, senior advocate a/w. Mr. Ajai Fernandes and Ms. Sneha B. Pandey i/b. Motiwalla and Co. for plaintiff and applicant in CHSCD/162/2018.

Mr. Haresh Jagtiani, senior advocate a/w. Mr. Prathamesh Kamat, Ms. S. Jain and Mr. Ryan Mendes i/b. Ganesh and Co. for defendants.

CORAM : K.R.SHRIRAM, J.

DATE : 7th MARCH, 2018

P.C.:

1 In the order dated 21st February, 2018, in the body of the order, “**JUDGES ORDER NO.111 OF 2015**” be corrected to read as “**JUDGES ORDER NO.112 OF 2015**” and “**JUDGES ORDER NO.112 OF 2015**” be corrected to read as “**JUDGES ORDER NO.111 OF 2015**”.

2 Rest of the order remains unaltered. Original order to be corrected accordingly.

3 Mr. Jagtiani, senior counsel for defendants states that defendants have paid a sum of Rs.17 lakhs to plaintiff without prejudice to their rights and contentions. Mr. Pratap, senior counsel for plaintiff states that plaintiff has received the amount of Rs.17 lakhs without prejudice to

plaintiff's rights and contentions. Statements accepted.

4 Judge's order to be listed for hearing on 11th April, 2018.

COMMERCIAL CHAMBER SUMMONS NO.162 OF 2018

1 This chamber summons is for leave to amend the plaint as per the schedule annexed to the chamber summons. Plaintiff is also seeking leave to amend the judge's order to be in conformity with the plaint.

2 Mr. Jagtiani, senior counsel for defendants states that defendants have no objection if the chamber summons is allowed keeping open all rights and contentions of defendants to be raised in the written statement including limitation.

3 In view thereof, keeping open all rights and contentions of defendants to be raised in the written statement including limitation, the chamber summons is allowed and accordingly disposed in terms of prayer clause – (a). Liberty is granted to plaintiff to amend the judge's order as well to make it in accordance with the plaint.

4 Amendment to be carried out and copy of the amended plaint and judge's order to be served within two weeks from today.

5 Written statement to be filed and copy served within four weeks of receiving the copy of the amended plaint.

(K.R. SHRIRAM, J.)