

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ADMIRALTY AND VICE ADMIRALTY JURISDICTION  
IN ITS COMMERCIAL DIVISION  
JUDGE'S ORDER NO.43 OF 2018  
IN  
COMMERCIAL ADMIRALTY SUIT (L) NO.6 OF 2018**

M/s. C.M. Trading Company                      ....Plaintiff

Vs.

Barge Veer Ekadanta & Anr.                      ....Defendants

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Mr. Ashwin Shanker for plaintiff.

Mr. Rashmin Khandekar a/w. Mr. Ranjit Shetty, Mr. Swapnil Gupte and  
Ms. Vatsala Pant i/b. Argus Partners for defendants.

Mr. Nandan Yalgi, Managing Director of defendant no.2 present.

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**CORAM : K.R.SHRIRAM, J.**

**DATE : 12<sup>th</sup> MARCH, 2018**

**PC.:**

1                      Mr. Khandekar, counsel for defendants, while disputing the averments in the plaint and particularly, paragraph 23A, on instructions from Mr. Nandan Yalgi, Managing Director of defendant no.2, who are the owners of defendant no.1, undertakes to this Court that the first defendant barge will not leave the territorial waters of India and the barge will not be sold without leave of this Court. Mr. Khandekar states that if there is a total loss of this barge, then the insurance claim will be deposited with the Prothonotary and Senior Master, High Court, Bombay. Mr. Khandekar is making this statement without prejudice to the rights and contentions of defendants including challenging the jurisdiction of this Court as against defendants and whether a barge, which is dumb barge, can be arrested by

this Court.

2 Judge's order accordingly stands disposed with liberty to apply.

3 Mr. Khandekar waives service of writ of summons.

Mr. Khandekar states that written statement will be filed and copy served within four weeks from today.

4 Affidavit of documents to be filed and copy served on or before 20<sup>th</sup> April, 2018. Discovery and inspection to be completed by 27<sup>th</sup> April, 2018.

5 Suit to be listed for issues on 2<sup>nd</sup> May, 2018 on which date parties to come with agreed draft issues and a separate list of issues on which they are unable to agree.

**(K.R. SHRIRAM, J.)**