

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY AND VICE-ADMIRALTY JURISDICTION**

IN ITS COMMERCIAL DIVISION

**COMMERCIAL ADMIRALTY SUIT NO. 95 OF 2015
WITH
JUDGES ORDER NO. 111 OF 2015**

The Board of Trustees of
the Port of Mumbai

.. Plaintiff

Vs.

DAMANIA-I & Anr.

.. Defendants

Mr.Ajai Fernandes a/w. Ms.Sneha Pandey I/b Motiwalla and Co. for
plaintiff.

Mr. Nimay Dave a/w. A/w. Ms.Aditi Maheshwari I/b Ganesh and Co. for
defendants.

CORAM : K.R.SHRIRAM, J.

DATE : 6TH AUGUST 2018

P.C.

1 Shri Fernandes states that paragraph 5 recorded in the order dated
25th July 2018 be not attributed to him. Shri Fernandes states that it need
not be recorded that he stated that the issue can be decided with the suit.

2 I have to note that Shri Fernandes, when a suggestion was made by
the Court that since the issues have been settled and the vessel is still
within the port, why can't this issue be decided with the suit, agreed. It was
for that reason that statement at Paragraph 5 was recorded. Today, Shri

Fernandes states that it need not be recorded that he agreed.

3 It would make no difference because the suit was filed in 2015 and the Bombay Port Trust has chosen not to exercise its powers under the provisions of Section 64 of the Major Port Trust Act, 1963. In any event, Shri Dave states that defendant has no intention of leaving the territorial waters of the Bombay Port Trust.

4 Therefore, Judges Order disposed as not required.

If at all, plaintiff gets information that defendant is trying to leave the territorial waters of the Port, they may move the Court notwithstanding that the Port has enough powers to detain the vessel from sailing out.

(K.R. SHRIRAM, J.)

Shraddha
Kamlesh
Talekar

Digitally signed by
Shraddha Kamlesh
Talekar
Date: 2018.08.08
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