

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

ADMIRALTY SUIT NO.14 OF 2018

Kumar Vellekkat Achutan and Ors.Plaintiffs

Vs.

m.v. Neel Akash and Ors.Defendants

Ms. Prapti Kedia a/w. Ms. Bindu Bhatia I/b. Khare Legal Chambers for plaintiffs.

Mr. Aman Rungta I/b. Crawford Bayley and Co. for defendant nos.1, 2 and 3(A).

CORAM : K.R.SHRIRAM, J.

DATE : 25th JULY, 2018

P.C.:

1 In the order dated 6th July 2018, in paragraph 6 and 7, the words “*defendant no.3*” are corrected to read as “*defendant no.4*” and in the cause title the words “*m.v. Neel Akash*” are corrected to read as “*m.v. Neel Akash and Ors.*”.

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

3 At the outset, Mr. Rungta states that Crawford Bayley and Company have taken out chamber order no.723 of 2018 for discharge as advocates for defendant nos.1,2 and 3(a).

4 Though chamber order is not listed on board today, by consent of the parties, is taken up for hearing. Crawford Bayley and Company are hereby discharged.

5 . Chamber order accordingly stands disposed.

6 The following issues arise between plaintiffs and defendant nos.1, 2 and 3 (A) (defendants) in the matter :

ISSUES

(1) Whether plaintiffs prove that plaintiffs' claim is in the nature of maritime claim and plaintiffs have a maritime lien over 1st defendant vessel and therefore, this Court has jurisdiction to receive, try and dispose the suit?

(2) Whether defendants prove that there was no privity of contract between plaintiffs and defendants?

(3) Whether defendants prove that defendant vessel was given on demise charter to defendant no.3 pursuant to Bareboat Charterparty dated 1st April 2014 and hence defendants are not liable?

(4) Whether plaintiffs prove that plaintiff no.1 is entitled to outstanding wages in the sum of Rs.6,50,000/-, plaintiff no.2 is entitled to outstanding wages in the sum of Rs.5,97,500/-, plaintiff no.3 is entitled to outstanding wages in the sum of Rs.4,40,000/-, plaintiff no.4 is entitled to outstanding wages in the sum of Rs.4,40,000/-, plaintiff no.5 is entitled to outstanding wages in the sum of Rs.4,30,000/-, plaintiff no.6 is entitled to outstanding wages in the sum of Rs.4,55,000/-, plaintiff no.7 is entitled to outstanding wages in the sum of Rs.1,35,000/-, plaintiff no.8 is entitled to outstanding wages in the sum of Rs.85,419/-, plaintiff no.9 is entitled to outstanding wages in the sum of Rs.40,000/-, plaintiff no.10 is entitled to outstanding wages in the sum of Rs.41,667/-, plaintiff no.11 is entitled to outstanding wages in the sum of Rs.2,20,280/-, plaintiff no.12 is entitled to outstanding wages in the sum of Rs.1,92,780/-, plaintiff no.13 is entitled to outstanding wages in the sum of Rs.2,20,280/- and plaintiff no.14 is entitled to outstanding wages in the sum of Rs.7,20,151/-, totaling to Rs.60,68,077/- plus hardship amount of Rs.10 lakhs together with interest at 18% p.a. from the date these wages were payable until payment/realisation?

(5) What decree? What order?

7 Parties to file their respective affidavit of documents, complete discovery and inspection and exchange statement of admission and denial with reasons for denial within two weeks from today.

8 On or before 24th August 2018, plaintiffs to file their list of witnesses, affidavit in lieu of examination in chief of the witnesses together with compilation of documents and serve a copy thereof upon defendants.

9 Stand over to 29th August 2018 for marking of documents/ recording of evidence on which date plaintiffs' first witness shall remain present in Court.

10 Mr. Rungta states that for completion, copy of this order will be sent to defendant nos.1, 2 and 3(a).

Gauri
Amit
Gaekwad

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(K.R. SHRIRAM, J.)