

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL JURISDICTION**

**COMMERCIAL SUIT NO. 15 OF 2014
WITH
NOTICE OF MOTION NO. 34 OF 2015
WITH
NOTICE OF MOTION NO. 35 OF 2015
IN
COMMERCIAL SUIT NO. 15 OF 2014**

Corporation Bank

.. Plaintiff

Vs.

M.V. PRATIBHA INDRAYANI
(PRATIHA SHIPPING COMPANY)
& Anr.

.. Defendants

Ms. Aarti Suvarna i/b Rathina for plaintiff.
Mr.Prathamesh Kamat for official liquidator.
Mr. Pola Raghunath, Deputy Official Liquidator present.

**CORAM : K.R.SHRIRAM, J.
DATE : 2ND FEBRUARY 2018**

P.C.

1 The Deputy Official Liquidator tenders a report dated 1st February 2018 in the suit. It is stated that the claims of crew members have been adjudicated. The claims of the two crew members have not been adjudicated because they have not applied for condonation of delay.

2 So far as the two crew members, the amount of claim of one Yedla Naga Siva Prasad is Rs.32,167/- and the second crew member Shahjad Husain (S/o.) Mohammad Sharif, S.H. Man (Ab), whose claim amount is

Rs. 2,33,152/- being a Seaman. Perhaps he might be sailing. In the interest of justice to avoid further delay in adjudicating the claim of these two crew members, the official liquidator is directed to adjudicate the claim of these two crew members and he may proceed on the basis that the delay has been condoned.

Report is taken on record.

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4 This notice of motion has already been disposed vide order dated 17th April 2017.

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5 Mr. Kamat appearing for official liquidator states that there are still suits pending against the sale proceeds of the vessel M.V. PRATIBHA INDRAYANI. In fact, one suitor has taken out chamber summons being No. 1125 of 2014 in Commercial Suit No. 32 of 2013 and chamber summons No. 1126 of 2014 in Admiralty Suit No. 6 of 2013 to add sale proceeds of M.V. PRATIBHA INDRAYANI as defendant no.2 in the suit. Therefore, it is rather premature to determine the priority.

6 Notice of motion dismissed with liberty to take out fresh notice of motion at the appropriate stage.

(K.R. SHRIRAM, J.)