

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

**COMM. NOTICE OF MOTION NO.768 OF 2017
IN
COMMERCIAL SUIT NO.28 OF 2013**

Compania Naviera Clementina S.A.	)	
MV MSC Clementina	)....Applicants	
The State of Maharashtra,through	)	
Commissioner of Fisheries	)....Plaintiffs	
V/s.		
MV MSC Clementina & ors.	)....Defendants	

Ms.Jyotika Jain a/w Ms.Pabitra Dutta i/by Bose & Mitra & Co.for
plaintiffs.

Mr.Abhimanyu Singh i/by Harsh G.Pratap for the applicants.

Mr.Nishaan Shetty i/by Ganesh & Co. for defendant no.2.

Mr.Arnab Ghosh i/by Manoj R.Khatri for defendant no.4.

CORAM : K.R.SHRIRAM,J

DATE : 23.1.2018

P.C.:-

1 Mr.Abhimanyu Singh appearing for the applicants seeks leave to withdraw the Notice of Motion and submits that the issue raised in this Notice of Motion be considered with the other issues, but be framed as preliminary issue. Certainly, this will be framed as issues in the suit. However, considering the facts and circumstances of the case, it will not be possible to separate these issues from the main issues to be decided and decide them separately.

2 Notice of Motion dismissed as withdrawn. No order as to costs.

(K.R.SHRIRAM,J)