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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 211 OF 2019
IN
ADMIRALTY SUIT NO.20 OF 2018

Argosy Shipping Agency Pvt.Ltd. ... Applicant

IN THE MATTER BETWEEN:

Manoj Kumar & Ors. ...Plaintiffs

Vs.

M. V. PFS Courage & Ors. ... Respondents

.....

Ms. Kunjita Shah a/w Mr. R.P.Shirole I/b Khare Legal Chambers for Plaintiff.

Mr. Abhishek Patil i/b Sanjay P. Patankar for Applicant in CHS/211/2019;

Mr. Anurag manlaar i/b PAN India Legal for Defendant No. 2;

Mr. Pabitra Dutta i/b Bose and Mitra and Co. for Defendant No.3;

Mr. Ajai Fernandes i/b Motiwalla and Co. for Defendant No.4.

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CORAM : K. R. SHRIRAM, J.
DATE : 5TH SEPTEMBER, 2019

P. C. :

1. This chamber summons is for leave to intervene in the suit under Rule 949 of the Bombay High Court (O.S.) Rules. The sale proceeds of first defendant vessel is with the Prothonotary and Senior Master, High Court, Bombay.

2 Applicant claims to have acted as a vessel agent for defendant no.1 and has rendered necessary services, like manning/operations, etc. Applicant also claims to have incurred expenses on behalf of first defendant vessel towards Port dues, anchoring dues, etc., totaling to Rs.12,18,292/-.

3 Ms. Shah, counsel for plaintiffs states that applicant is yet to file a suit and therefore, cannot be considered as a party interested in the sale proceeds of first defendant vessel. Mr. Patil, counsel for applicant states that applicant will file a suit within one month from today in this jurisdiction. In view of this statement made and considering the claim of applicant, which *prima facie* appears to be maintainable against the sale proceeds of first defendant vessel, I am inclined to allow the chamber summons.

4 Chamber summons is allowed and accordingly disposed in terms of prayer clauses – (a) and (b).

5 Applicant shall file a suit within 30 days from today. In the event the suit is not filed, the leave granted herein shall stand revoked and applicant shall also have to pay a sum of Rs.10,000/- as cost to each of the party, who are present in Court today, i.e., plaintiff and each of the defendants.

6 Upon applicant filing the suit, applicant shall communicate the details of the same to plaintiffs. Plaintiffs' advocates shall, within two weeks of receiving the communication, amend the plaint and serve a copy thereof upon all defendants, including newly added defendants. Applicant in such a case waive service of writ of summons. The time to file the written statement shall be 30 days from the date on which amended plaint is served.

(K. R. SHRIRAM, J.)