

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

**CHAMBER SUMMONS NO.1203 OF 2019
IN
COMMERCIAL ADMIRALTY SUIT (L) NO.51 OF 2019**

The Board of Trustees of Port of Mormugao)....Applicant

IN THE MATTER BETWEEN :

Samson Maritime Ltd.)....Plaintiff

V/s.

M.T.Nu.Shi Nalini (IMO No.9619608) & Anr.)....Defendants

Ms.S.Priya for plaintiff.

Mr.Vishal Sheth i/by Mr.Bimal Rajasekhar for defendants.

Mr.Amrut M.Vernekar for applicant.

[Mr.Satish D.Chitgopekar, Dy.Sheriff of Mumbai present].

CORAM: K.R.SHRIRAM,J

DATE : 8.11.2019

P.C.:-

1. This Chamber summons is for leave to intervene in the suit under provisions of Rule 949 of High Court (O.S.) Rules. Ms.Priya for plaintiff has no objection, so also Mr.Sheth appearing for defendants.

2. In the circumstances Chamber summons allowed in terms of prayer clause-(a). Plaintiff shall take steps to add applicant as

defendant no.3 to the suit within a period of two weeks from today. Mr.Vernekar for applicant states he has already received copy of the plaint and all other documents relied upon by plaintiff. Mr.Vernekar also waives service of writ of summons.

3. Mr.Sheth for defendant nos.1 & 2 states that 120 days period prescribed under the provisions of Order 8 Rule 1 of the Code of Civil Procedure is yet to get over. Mr.Sheth states that within the expiry of 120 days in any event, written statement will be filed.

4. So far as Mr.Vernekar is concerned, 30 days period to file written statement starts today.

Chamber summons accordingly stands disposed.

5. Mr.Vernekar states that defendant no.1 had dragged anchor on 24.10.2019 in view of inclement weather and now she is grounded within the port limits. Mr.Vernekar states that there is an imminent danger of defendant no.1 vessel's bottom breaking and also 2000 tonnes of naphtha on board the vessel together with diesel and heavy oil leaking into the sea and endanger marine life. Mr.Vernekar states Port has been directed by the Government of India to take immediate steps to salvage defendant no.1 vessel.

6. Mr.Sheth for defendant nos.1 & 2 states his clients are co-operating with port authorities and have no objection if the vessel is salvaged. Mr.Sheth states they have also filed a bond with the port indemnifying the port against any claim or damages arising out of any accident involving or connected to defendant no.1 vessel and also to reimburse all expenses / remuneration for salvage.

7. Mr.Vernekar states that applicant in this Chamber summons, will take appropriate steps to recover their expenses and port dues and if advised to claim salvage remuneration they may file appropriate action to that effect. Mr.Vernekar states that port is in talks with various salvors and they should be appointing someone very soon.

8. Suit be listed for directions on 16.12.2019.

(K.R.SHRIRAM,J)