

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ADMIRALTY & VICE ADMIRALTY JURISDICTION****ADMIRALTY SUIT NO.38 OF 2018
WITH
JUDGE'S ORDER NO.252 OF 2017**

Amit Sharma)....Plaintiff

V/s.

M.v.Malaviya Thirty & Ors.)....Defendants

Ms.Kunjita Shah i/by Khare Legal Chambers for plaintiff.
Mr.Shatrughan Chauhan, Dy.Official Liquidator present.

CORAM : K.R.SHRIRAM,J

DATE : 14.11.2019

P.C.:-

1. There is an interim application (L) No.1 of 2019 in which plaintiff is seeking leave to amend the cause title to bring on record Official Liquidator of defendant no.2. Ms.shah for plaintiff states that there was a provisional Liquidator appointed for defendant no.2 even before suit was lodged and though plaintiff had obtained leave under Section 446 of the Companies Act 1956 even before lodging the plaint, due to inadvertence, company was shown as defendant instead of the Liquidator. Ms.Shah prays that the application be allowed.

2. Applicant/plaintiff is a crew member who has not been paid his wages. He had worked on board defendant no.1 as Chief

KJ

Officer. Though the affidavit does not expressly state the reason why the Liquidator was not made a defendant, in view of the facts and circumstances of the case, I am inclined to allow the interim application in terms of prayer clause-(a).

3. Interim Application is allowed in terms of prayer clause-(a).

4. Amendment to be carried out and amended plaint shall be served on the Liquidator within two weeks from today. Amended plaint shall also be served on defendant no.3 within the time prescribed.

5. Defendants shall file written statement within three weeks of receiving copy of the amended plaint, failing which the suit be placed as undefended suit. Official Liquidator waives service of the writ of summons.

6. Stand over to 19.12.2019.

(K.R.SHRIRAM,J)