

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

**NOTICE OF MOTION NO.2462 OF 2019
IN
COMMERCIAL ADMIRALTY SUIT NO.54 OF 2019**

Angre Port Private Ltd.)....Applicant/Plaintiff
V/s.
Tug Uma Prem (IMO 8650423))....Defendant

Mr.Prathamesh Kamat a/w Ms.Pooja Tidke, Ms.Krusha Barfiwala and Mr.Ryan Mendes i/by Parinam Law Associates for plaintiff/applicant. [Ms.Radha Mungan, Assistant Manager (Legal) of plaintiff/applicant present].

Mr.Govind B.Solanke for defendant nos.1 & 2.

**CORAM : K.R.SHRIRAM,J
DATE : 18.2.2020**

P.C.:-

1. Mr.Kamat appearing for applicant states that pursuant to an order dated 28.11.2019, defendant no.1-vessel has been sold and the sale proceeds are deposited with the Prothonotary & Senior Master, High Court, Bombay. Mr.Kamat states his instructions are that the sale proceeds have been invested in an interest bearing fixed deposit by Prothonotary & Senior Master. Mr.Kamat states that the amount was transferred by the Deputy Sheriff to Prothonotary & Senior Master way back in December-2019 and therefore, the court

should pass an order and direction under Rule 951 sub-rule 2 of Bombay High Court (O.S) Rules and decide the priority of claims.

2. In my view, it is a sensible suggestion. Mr.Solanke appearing for defendant states that he has no instructions and he will apply to the Prothonotary & Senior Master for discharge.

3. In the circumstances, what remains in the Notice of Motion are prayer clauses-(d), (e) and (f) which are hereby granted. Prayer clauses-(d), (e) and (f) read as under :-

“(d) For an order and direction under Rule 951(2)(a) of the Bombay High Court (O.S.) Rules and that the order of priority of claims against the sale proceeds shall not be determined until expiry of ninety days or of such other period as the Court may specify, from the date of deposit of sale proceeds with the Hon’ble Court;

(e) For an order and direction under Rule 951(2)(b) of the Bombay High Court (O.S.) Rules that any party to the suit or any other suit in rem against the Defendant Vessel No.1 or the sale proceeds thereof may apply to the court to extend the period specified by the Hon’ble Court under (d);

(f) For an order and direction under Rule 951(2)(c) of the Bombay High Court (O.S) Rules Sheriff shall send for a publication, in such newspapers, as the Hon’ble Court may direct, within 7 days of deposit of the sale proceeds a notice complying with the provisions of sub rule 951(3) of the Bombay High Court Rules, with the expenses for the publication of such notice to be defrayed by the Sheriff of Mumbai directly from the sale proceeds.

4. As regards prayer clause-(f), Mr.Kamat states that publication can be in 'Free Press Journal' (English) and 'Navshakti' (Marathi) both Mumbai edition. Mr.Kamat also states on instructions from Ms.Radha Mungan that plaintiff will issue the notice as per the draft provided by the office of Prothonotary & Senior Master and claim the expenses to be reimbursed from the sale proceeds at the appropriate stage. I see no prejudice would be caused to anybody if this offer of plaintiff is accepted and the same is hereby accepted.

5. Notice of Motion accordingly, disposed.

(K.R.SHRIRAM,J)