

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

**COMMERCIAL ADMIRALTY SUIT (L) NO.86 OF 2019  
AND  
JUDGES ORDER (L) NO.290 OF 2019**

Navin Kumar Madhok ....Plaintiff

Vs.

AWB GAL Constructors (IMO No.8758574) ....Defendant

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Mr. Kunal Mehta a/w. Ms. Ankita Gadkari i/b. India Law Alliance for plaintiff.

Mr. Avik Sarkar i/b. Kamal and Company for defendant.

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

**DATE : 2<sup>nd</sup> JANUARY 2020**

**P.C.:**

- 1 Not on board. Upon mentioning taken on board.
- 2 Mr. Mehta, at the outset, states that on the date the suit was lodged, plaintiff was under the impression that defendant vessel is within the territorial waters of this Court and hence, made an averment that the vessel is within the territorial water and this Court has jurisdiction. Mr. Mehta states that based on that belief, an order of arrest was also obtained on 30<sup>th</sup> December 2019. When plaintiff's advocates made an attempt to serve the Sheriff's letter forwarding a copy of the order dated 30<sup>th</sup> December 2019 to the concerned authorities, it came to light that the vessel had already sailed out of the territorial waters of Mumbai and therefore, technically this Court would not have jurisdiction even though the owner of the defendant vessel is an Indian Company with headquarters in

Calcutta. Mr. Mehta states that the defendant vessel has been under arrest in commercial admiralty suit no.27 of 2019 and based on an arrangement in that suit between plaintiff and defendant, the vessel is allowed to sail between Mumbai Port and Bombay High. Mr. Mehta seeks leave to withdraw the suit with liberty to file a fresh suit once the vessel enters the territorial waters of Bombay. Mr. Sarkar has no objection.

3           Suit, therefore, dismissed as withdrawn with the liberty as prayed for.

4           Mr. Mehta on instructions from Ms. Gadkari states that the entire court fees has been paid.

5           As regards the court fees, the registry to adjust the court fees already paid in this suit, in the new suit to be filed without any adjustments.

6           In view of the above order, the order of arrest passed on 30<sup>th</sup> December 2019 stands recalled/vacated.

7           All to act on authenticated copy of this order.

**(K.R. SHRIRAM, J.)**