

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY AND VICE ADMIRALTY JURISDICTION
IN ITS COMMERCIAL DIVISION
INTERIM APPLICATION NO.547 OF 2020
IN
COMM. ADMIRALTY SUIT NO.14 OF 2020**

NYK Theseus (IMO No.9356701)	...	Applicant
and		
Aurobindo Pharma Ltd.	...	Plaintiff
<i>Versus</i>		
NYK Theseus and Ors.	...	Defendants

WITH

**INTERIM APPLICATION NO.560 OF 2020
IN
COMM. ADMIRALTY SUIT NO.14 OF 2020**

Nippon Yusen Kabushiki Kaisha	...	Applicant
and		
Aurobindo Pharma Ltd.	...	Plaintiff
<i>Versus</i>		
NYK Theseus and Ors.	...	Defendants

WITH

**INTERIM APPLICATION NO.551 OF 2020
IN
COMM. ADMIRALTY SUIT NO.14 OF 2020**

NYK Line (India) Pvt. Ltd.	...	Applicant
and		
Aurobindo Pharma Ltd.	...	Plaintiff
<i>Versus</i>		
NYK Theseus and Ors.	...	Defendants

Mr. Prathamesh Kamat with Mr. Aksalan A. Thaver, Mr. Vishal Shriyan i/by Mr. Vishal S. Shriyan, for Plaintiff.
Mr. Abhimanyu Singh with Mr. Dipam Sengupta i/by S. Priya, for Applicants/Defendants.

CORAM: N.J.JAMADAR, J.
DATE: 2nd AUGUST, 2022

P.C.:

1. These Applications are taken out by Defendant Nos.1 to 3 seeking condonation of delay in filing the written statement.
2. This Commercial Admiralty Suit is instituted seeking arrest of the Vessel – NYK Theseus and for recovery of a sum of USD 825,600 along with further interest. On 26th September, 2019 this Court has taken on record the Consent Terms and accepted the undertakings therein as an undertakings given to the Court. On that day, the learned Counsel had waived service of writ of summons on the Defendants. There is a delay of about 87 days in filing the written statement.
3. The learned Counsel for the Plaintiff resisted the prayer for condonation of delay.
4. I have perused the averments in the Applications. Written statement is sought to be filed within 120 days of the service of the writ of summons computed from the date of waiver dated 26th September, 2019.
5. For the reasons assigned in the Applications and to advance the cause of substantive justice, delay in filing the written statement stands condoned.
6. The Applications, thus, stand allowed in terms of prayer clauses (a) and (b). Written statements dated 20th January, 2020 of the Defendants are taken on record.

7. The Applications stand disposed.

(N.J.JAMADAR, J.)