

Santosh

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

SHERIFF'S REPORT NO. 65 OF 2022

**INTERIM APPLICATION NO. 1375 OF 2022
IN
ADMIRALTY SUIT NO. 10 OF 2015**

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The Board of Trustees of the Port of
Mumbai

...Plaintiff

Versus

M. V. Kamal XXXIV & anr.

...Defendants

Mr. Ajai Fernandes, a/w Ms. Sneha Pandey, i/b Motiwala &
Co., for the Plaintiff.

Mr. D. S. Chaudhary, Dy. Sheriff, present.

CORAM: N. J. JAMADAR, J.

DATED : 11th OCTOBER, 2022

PC:-

1. This application is taken out by the plaintiff seeking directions to sell the first defendant – vessel Kamal XXXIV.
2. The said vessel was arrested in Admiralty Suit No.10 of 2015 by an order dated 10th March, 2015. Since then the said vessel is under arrest. It does not appear that security has been offered to release the vessel or any application is preferred for the release of the vessel.
3. The Sheriff has taken out this report seeking directions to conduct the auction sale of the vessel subject to deposit of an

amount of Rs.5,00,000/- by the plaintiff towards the costs of auction sale including valuation of the defendant – vessel.

4. Since the vessel is under arrest from the year 2015, it would be expedient to sale the defendant – vessel. Hence, the application stands allowed in terms of prayer Clause (a).

5. The Sheriff's report stands allowed in terms of prayer Clauses (a) and (b).

6. M/s. N. B. Menon and Associates is appointed as an independent Surveyor for carrying out the valuation of the vessel – MV Kamal XXXIV.

7. The proposed schedule of auction at page 9 of the report also stands approved.

8. The application stands disposed.

9. Sheriff's Report stands disposed.

10. The amount to be deposited by the plaintiff towards the expenses for auction sale shall be treated Sheriff's expenses and be paid out first from the sale proceeds.

[N. J. JAMADAR, J.]