

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

**INTERIM APPLICATION NO.1628 OF 2022
IN
COMMERCIAL ADMIRALTY SUIT NO.36 OF 2018**

IDBI Bank Ltd. .. Applicant/Plaintiff
v/s.
MV Malaviya Thirty Three
(IMO 7809118) and Ors. .. Defendants

Mr. Zarir Bharucha a/w Rishi Thakur i/b. ZBA for the plaintiff.
None for the defendants.

**CORAM : A. K. MENON, J.
DATED : 22ND JUNE, 2022.**

P.C. :

1. The applicant bank seeks payment of a sum of Rs.68,69,600/- out of the sale proceedings lying deposited with the Prothonotary and Senior Master since believed to be invested in Fixed Deposits. Pursuant to an order dated 1st March, 2022 in IA no.218 of 2022 in Admiralty Suit no.14 of 2017 along with IA (L) no.30730 of 2021 in Commercial Admiralty Suit no.36 of 2018, a sum of

Digitally
signed by
SANDHYA
BHAGU
WADHWA
Date:
2022.06.23
18:05:44
+0530

Rs.68,69,600/- was found to be claimed by one Barkat Hiring viz. the plaintiff in Admiralty Suit (L) no.760 of 2016 since numbered as Admiralty Suit no.1 of 2017. It appears that on 5th April, 2022 the plaintiff in that suit withdrew Admiralty Suit no.1 of 2017 indicating that there is no claim against the defendant vessel and the sale proceedings.

2. Mr. Bharucha today points out that in the order dated 1st March, 2022 reference to "*Admiralty Suit no.760 of 2017*" appears to be incorrect. It was Admiralty Suit (L) no.760 of 2016 since numbered as Admiralty Suit no.1 of 2017.
3. In view of the withdrawal of the suit, he submits that the aforesaid sum of Rs.68,69,600/- be paid over to the plaintiff. In view of the earlier orders reserving the applicants rights and in view of the fact that the suit filed by Barkat Hiring is seen to have been withdrawn, I have no hesitation in allowing this application.
4. Accordingly, I pass the following order;
 - (i) IA is allowed in terms of prayer clause (a).
 - (ii) Prothonotary and Senior Master is directed to prematurely encash the fixed deposits and pay over an amount of

Rs.68,69,600/- without any interest within a period of four weeks from today. The balance shall be reinvested per earlier orders.

5. IA is disposed in the above terms.

(A. K. MENON, J.)