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

**JUDGE'S ORDER NO. 66 OF 2022
IN
COMM ADMIRALTY SUIT NO. 35 OF 2022**

CETO Shipping Corporation ...Plaintiff
Versus
MV AEON (IMO 9576818) ...Defendant

Mr. Prasad Shenoy, a/w Ms. Gauri Tyagi and Siddharth
Manek, i/b M/s. Crawford Baylay, for the Plaintiff.
Mr. Rahul Narichania, Senior Counsel, a/w Akash Kolse-Patil,
Prashanti Patel, i/b Mulla & Mulla and CBC, Estwhile
Owners of Defendant – Vessel.

CORAM: N. J. JAMADAR, J.
DATED : 29th NOVEMBER, 2022

Order:-

1. Heard the learned Counsel for the applicant – plaintiff.
2. This Judge's Order was taken out by the plaintiff to arrest the vessel MV AEON (IMO No.9576818) - the defendant. When the said application was moved for *ex parte* order on 11th July, 2022, a statement was made on behalf of the defendant that the defendant – vessel will not sail outside the Indian waters and shall remain at the Port of Mumbai.
3. The Court was further informed that the defendant vessel was already under arrest in other matters.

4. In the intervening period, on 30th August, 2020, the defendant – vessel is sold by an order passed by this Court. The learned Counsel for the plaintiff submitted that, in view of the subsequent developments, the plaintiff may be permitted to amend the Judge’s Order so as to now seek the attachment of the sale proceeds.

5. It is trite that the sale of a vessel in an action in rem enures for the benefit of all persons who have a claim against the vessel or the sale proceeds.

6. In view of the provisions contained in the Rules for Regulating the Procedure and Practice in Cases Brought Before the High Court under the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017, a party who is interested in the sale proceeds of the vessel sold by the Admiralty Court in an action in rem, is required to file a suit to establish its claim.

7. In the case at hand, the applicant – plaintiff has already instituted the suit. As and when the question of determining the priorities and pay out, from the sale proceeds of the defendant vessel, will arise for consideration, the plaintiff may participate in the said proceedings. At this juncture, there is no propriety in keeping the Judge’s Order alive. Nor amending the Judge’s

Order so as to seek the attachment of the sale proceeds would serve any purpose.

8. The Judge's Order stands disposed.

9. The plaintiff is, however, at liberty to amend the plaint so as to now implead the sale proceeds of the defendant vessel.

10. Necessary amendment be carried out in the plaint within three weeks and amended copy be served on the defendant.

[N. J. JAMADAR, J.]