

Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO. 3019 OF 2021
IN
INTERIM APPLICATION NO. 2078 OF 2021
IN
ADMIRALTY SUIT NO. 44 OF 22019**

Pioneer Marine Industries

...Applicant/
Plaintiff

Versus

M. V. Coromondel Supporter III (KEI-RSOS
Maritime Limited)

...Defendant

SANTOSH
SUBHASH
KULKARNI

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SANTOSH SUBHASH
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Date: 2022.03.25
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**WITH
INTERIM APPLICATION NO. 2899 OF 2021
IN
ADMIRALTY SUIT NO. 44 OF 22019**

Mr. S. P. Singh, a/w Mr. Prathamesh Kamat, for the Plaintiff.
Mr. Rajiv Singh, i/b Mr. Tejash Deshpande, for Respondent in
IA/3019/2021 and for the Applicant in IA/2899/2021.

CORAM: N. J. JAMADAR, J.

DATED : 22nd MARCH, 2022

PC:-

1. Heard the learned Counsels for the parties.
2. This application is taken out to recall the order dated 7th April, 2021, whereby the suit came to be dismissed for want of prosecution, and to restore the suit to file.
3. The learned Counsel for the defendant – respondent would urge that the suit itself, even if restored to file, would not be

maintainable in view of the developments in the intervening period and acceptance of the resolution proposal before NCLT.

4. The learned Counsel for the applicant - plaintiff dispute this position.

5. The question as to whether the suit in the present form, if restored, would be maintainable can be determined at an appropriate stage after providing opportunity of hearing to the parties.

6. For the present, for the reasons assigned in the application and to advance the cause of substantive justice, the order dated 7th April, 2021 stands recalled.

7. The suit stands restored to file.

8. The suit be listed for hearing, on the point raised by the Counsel for the defendants, on 19th April, 2022.

9. Application stands disposed.

[N. J. JAMADAR, J.]