

Santosh

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

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**INTERIM APPLICATION NO. 4926 OF 2022
IN
COMM ADMIRALTY SUIT NO. 41 OF 2022**

Kroll Trustee Service Limited ...Applicant
In the matter between
Kroll Trustee Service Limited ...Plaintiff
Versus
M. V. AEON (IMO NO.9576818) ...Defendant

Mr. Shyam Kapadia, a/w Pabitra Dutta, Raguvendra Desai,
i/b Bose & Mitra & Co., for the Plaintiff.
Adv. Yazdi Jijina, i/b Mulla & Mulla & CB&C, for the
Defendant.

**CORAM: N. J. JAMADAR, J.
DATED : 20th DECEMBER, 2022**

PC:-

1. Heard the learned Counsel for the applicant.
2. This application is preferred seeking directions to the Sheriff of Mumbai to publish notice inviting the claims against the sale proceeds of the vessel MV AEON deposited in this Court under Rules 1087 and 1088 of the Bombay High Court (Original Side) Rules, 1980. The defendant vessel was arrested on 20th June, 2022. By a subsequent order dated 5th August, 2022 (Interim Application (L) No.23786 of 2022 in Comm Admiralty

Suit (L) No.18896 of 2022), the vessel was ordered to be sold. The sale was confirmed by an order dated 30th August, 2022 in favour of Seven Islands Shipping Limited for Rs.103,67,06,200/-.

3. The plaintiff has filed an application for summary judgment.

4. As the sale proceeds stand deposited with this Court in view of the provisions contained in Rule 1088 of the Rules, 1980, the Court on an application of any party, who has a claim against the sale proceeds may direct the Sheriff to send for publication a notice in accordance with Rule 1087. It is trite the arrest and sale of a vessel in an admiralty action enures for the benefit of all the creditors and claimants. Hence, the application stands allowed.

5. The Sheriff is directed to publish a notice in conformity with the provisions contained in Rule 1087(e) of the Rules, 1980, inviting the claims against the sale proceeds of the defendant vessel. The notice shall specify that any person having a claim against the ship or the proceeds of the sale thereof shall file a suit to prove his claim within a period of 90 days from the date of publication of the notice. The notice shall also specify that the order of priority of claims against the sale

proceeds will not be determined till the expiry of the said period of 90 days.

6. The applicant shall bear the costs of the publication of the notice which shall be treated as the Sheriff's expenses.

7. Application stands disposed.

[N. J. JAMADAR, J.]