

Santosh

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

**INTERIM APPLICATION NO. 3074 OF 2022
IN
COMM ADMIRALTY SUIT NO. 48 OF 2021**

**SANTOSH
SUBHASH
KULKARNI**

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Date: 2023.02.22
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The Board of Trustees of the Port of
Mumbai ...Applicant

In the matter between

The Board of Trustees of the Port of
Mumbai ...Plaintiff

Versus

The Sale Proceeds of the Vessel MV Tag-22
(IMO No.9127318) ...Defendant

Ms. Sneha Pandey, i/b Motiwala & Co., for the Plaintiff.
Ms. Nidhi Shah, i/b Amir Arsiwala, for the Liquidator of TAG
Offshore Limited.

CORAM: N. J. JAMADAR, J.

DATED : 21st FEBRUARY, 2023

PC:-

1. Heard the learned Counsel for the applicant and the
learned Counsel for the defendant.

2. This application is taken out to amend the plaint primarily
consequent to the change in the name of the plaintiff brought
about by the enactment of Major Port Authorities Act, 2021. In
addition, in paragraph 8 of the proposed Schedule of

Amendment, the plaintiff – applicant proposes to refer to and rely upon the application for Stream Berth (Exhibit-J1).

3. The amendment so far as incorporation of the change in the name of the plaintiff consequent to enactment Major Port Authorities Act, 2021 is essentially consequential. Even the insertion of averments as regards the undertaking allegedly contained in the application for Stream Berth (Exhibit-J1) to the instant application, does not seem to be such as to change the nature of the suit or cause irretrievable prejudice to the defendants. The amendment is sought at a pre-trial stage. Hence, the application stands allowed in terms of prayer Clause (a).

4. Necessary amendment in accordance with the Schedule appended to the application be carried out within a period of three weeks and amended copy of the plaint be served on the defendant within two weeks thereafter.

5. The defendant is at liberty to file an additional written statement within four weeks of being served with the amended copy of the plaint.

6. Application stands disposed.

[N. J. JAMADAR, J.]