

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ADMIRALTY & VICE-ADMIRALTY JURISDICTION

INTERIM APPLICATION (L) NO. 9593 OF 2023
WITH
COMMERCIAL ADMIRALTY SUIT NO. 24 OF 2018

Manoj Kumar & Ors. ... Applicants/Plaintiffs

Versus

M.V. PFS Brave, (IMO No.9428580)& Ors. ... Defendants

WITH
ADMIRALTY SUIT NO. 64 OF 2018
WITH
INTERIM APPLICATION (L) NO. 9515 OF 2023
WITH
INTERIM APPLICATION (L) NO. 3176 OF 2021
WITH
COMMERCIAL ADMIRALTY SUIT NO. 47 OF 2019
WITH
INTERIM APPLICATION (L) NO. 3172 OF 2021
WITH
COMMERCIAL ADMIRALTY SUIT NO. 45 OF 2019
WITH
INTERIM APPLICATION (L) NO. 9601 OF 2023
WITH
ADMIRALTY SUIT NO. 2 OF 2020
WITH
INTERIM APPLICATION (L) NO. 39670 OF 2022
WITH
COMMERCIAL ADMIRALTY SUIT NO. 7 OF 2019
WITH
INTERIM APPLICATION (L) NO. 7293 OF 2023
WITH
COMMERCIAL ADMIRALTY SUIT NO. 37 OF 2021
WITH

INTERIM APPLICATION (L) NO. 7263 OF 2023
 WITH
 COMMERCIAL ADMIRALTY SUIT NO. 36 OF 2021
 WITH
 INTERIM APPLICATION (L) NO. 9565 OF 2023
 WITH
 ADMIRALTY SUIT NO. 20 OF 2018
 WITH
 INTERIM APPLICATION (L) NO. 9577 OF 2023
 WITH
 ADMIRALTY SUIT NO. 63 OF 2018
 WITH
 ADMIRALTY SUIT NO. 19 OF 2018
 WITH
 INTERIM APPLICATION (L) NO. 9566 OF 2023
 WITH
 ADMIRALTY SUIT NO. 42 OF 2019
 WITH
 INTERIM APPLICATION (L) NO. 9560 OF 2023
 WITH
 ADMIRALTY SUIT NO. 1 OF 2021
 WITH
 INTERIM APPLICATION (L) NO. 12773 OF 2023
 IN
 COMMERCIAL ADMIRALTY SUIT NO. 24 OF 2018
 WITH
 INTERIM APPLICATION (L) NO. 18220 OF 2023
 WITH
 ADMIRALTY SUIT NO. 19 OF 2018

Mr. Prathamesh Kamath a/w Saurabh Patil i/b Harsh G. Pratap for the Applicants/Plaintiffs in IAL/3176/2021 in COMAS/47/2019 and IAL/3172/2021 in COMAS/45/2019.

Mr. Ajai Fernandes with Mrs. N.D. Motiwallla i/b Motiwalla & Co. for the Plaintiffs in COMAS/37/2021 and COMAS/36/2021.

Mr. Malcolm Siganporia a/w Hormuz Mehta, Ahsan Allana i/b JSA for the Plaintiff-Standard Chartered Bank in COMAS/7/2019.

Mr. Abhishek Khare and R.P. Shirole i/b Khare Legal Chambers for the Plaintiffs.

CORAM : R.I. CHAGLA, J.
DATED : 13th JULY, 2023.

ORDER :

1 Commercial Admiralty Suit Nos.47 of 2019, 45 of 2019 and 36 of 2021 are not on board. Taken on board.

2 The parties in the above Admiralty Suits have arrived at a settlement. Minutes of order bearing today's date is tendered and taken on record and marked 'X' for identification. Minutes of order have been signed by the Advocates for the parties in the above Admiralty Suits. This order is passed in terms of the Minutes of Order marked 'X'.

3 There are two Interim Applications being Interim Application (L) No.12773 of 2023 and Interim Application (L) No.18220 of 2023 filed in Commercial Admiralty Suit No.24 of 2023 and 19 of 2018 respectively wherein relief has been sought for payment of balance outstanding wages of the Applicants which has increased since the arrest of vessel up till the date of signing of the Crew members on board the respective Defendant No.1 vessel in both the aforementioned Suits which is quantified in an amount of Rs.35,25,933/- and Rs.15,30,961/- respectively.

4 The learned Counsel appearing for the Applicant has not pressed for interest to be paid on the said amounts in both the Interim Applications. The aforementioned amounts will be kept aside awaiting a

report of the Sheriff under Rule 1084 of the Bombay High Court (Original Side) Rules, on the expenses incurred by the Sheriff during the period of arrest and conservation of the said Defendant No.1 vessel as well as proof and verification as to whether aforementioned amounts are payable to the Crew members as and by way of outstanding wages since arrest of the vessel up till the date of signing of the crew members on board of Defendant No.1 vessels in the above two Suits.

5 Appropriate directions will be issued once the report of the Sheriff is filed as aforementioned within a period of two weeks from the date of this order. This is needless to state that the Applicants in the aforementioned Interim Application (L) No.12773 of 2023 and Interim Application (L) No.18220 of 2023 shall file with the Sheriff the original documents in support of their claim for the aforementioned amounts.

6 The parties have agreed that the amounts will be paid over by the Prothonotary and Senior Master to the Plaintiff in the Suits within or after a period of 14 days after the maturity of the fixed deposits deposited in respect of the sale proceeds of the Defendants' vessels i.e. after 27.07.2023 (as stated in the letter dated 10.07.2023 addressed by the learned Prothonotary and Senior Master and annexed at Annexure-2 to the Minutes of Order).

- 7 The Admiralty Suits stand disposed of by this order.
- 8 In view of disposal of the Suits, the Interim Applications do not survive and are accordingly disposed of.
- 9 A soft copy of the Minutes of Order will be uploaded as the second order in the matter.
- 10 The Registry is to ensure that the hard copy of the signed Minutes of Order is permanently retained on file as part of the record and is not sent for destruction in the ordinary course.
- 11 Court fees are to be refunded in accordance with the Rules. For the purposes of Section 43 of the Maharashtra Court Fees Act and the proviso to that Section, today's date is the date of making a claim for repayment. The Prothonotary & Senior Master will issue a certificate for a refund of Court Fees computed according to the Rules. He will act on production of an authenticated copy of this order without requiring a separate application.
- 12 All concerned will act on production of a digitally signed copy of this order.

(R.I. CHAGLA, J.)