

Sayali Upasani

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

**INTERIM APPLICATION NO-4879 OF 2022
IN
COMMERCIAL ADMIRALTY SUIT NO-14 OF 2012**

The Board Of Trustees Of The Port Of Mumbai	Vs.	...Applicant/ Plaintiff
M.V. MSC Chitra And Ors		...Defendants

Ms. Sneha Pandey i/b Motiwalla and Co., for Applicant.

Mr.Prashant Pratap, Senior Advocate i/b Nishaan Shetty, for
Defendant No. 2.

Adv. D. Modi a/w Nandita D. i/b Singhania Legal Services,
for Defendant Nos. 3 and 4.

Raghvendra Desaid i/b Bose and Mitra & Co., for Defendant
No. 5.

CORAM:- N. J. JAMADAR, J.

DATED:- 24th JANUARY, 2023

PC:-

- 1)** Heard the learned Counsel for the applicant-plaintiff.
- 2)** This application is preferred seeking permission to amend the plaint so as to incorporate the change in the name of the plaintiff brought about by the enactment of the Major Port Authorities Act, 2021 and also aver that in February,

2013, the plaintiff had received the balance amount of Rs.2,94,536/-, towards its statutory dues from the consignees under a settlement agreement.

- 3)** The proposed amendment to incorporate the change in the name of the plaintiff is essentially consequential to the enactment of the Major Port Authorities Act, 2021. As regards the proposed amendment to reduce the suit claim by an amount of Rs.2,94,536/-, which the plaintiff claims to have received in the month of February, 2013, Mr. Pratap, the learned Senior Counsel for the defendant No. 2 submits that the plaintiff must place on record the said settlement agreement under which it claims to have received the said payment.
- 4)** In view of the aforesaid submissions, having regard to the nature of the proposed amendment, I am inclined to allow the application as it neither changes the nature of the suit nor has any potentiality to cause prejudice to the defendants.
- 5)** However, since the plaintiff has closed its evidence, it would be appropriate to direct the plaintiff to place the settlement agreement on record to the court.
- 6)** Hence, the following order.

:ORDER:

- i) The application stands allowed in terms of prayer Clause “a” and “b”.
- ii) Necessary amendment in accordance with the Schedule appended to the application be carried out within a period of two weeks and amended copy of the plaint served on all the defendants.
- iii) The plaintiff shall also place on record a copy of the settlement agreement within the said period of two weeks.
- iv) The defendants are at liberty to file an additional written statement within a period of three weeks thereafter.

The application stands disposed.

[N. J. JAMADAR, J.]