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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
INTERIM APPLICATION (L) NO.9562 OF 2023
IN
ADMIRALTY SUIT NO.27 OF 2018

Manoj Kumar & Ors. ...Applicants /
Plaintiffs

Versus

M.V. PFS Supplier and Ors. ...Defendants

WITH
INTERIM APPLICATION (L) NO.9563 OF 2023
IN
ADMIRALTY SUIT NO.43 OF 2019

Ajit Kumar ...Applicant /
Plaintiff

Versus

M.V. PFS Supplier and Ors. ...Defendants

WITH
INTERIM APPLICATION (L) NO.9561 OF 2023
IN
ADMIRALTY SUIT NO.17 OF 2019

Ajit Chintaman Deshmukh and Anr. ...Applicants /
Plaintiffs

Versus

M.V. PFS Supplier and Ors. ...Defendants

WITH
INTERIM APPLICATION (L) NO.9564 OF 2023
IN
ADMIRALTY SUIT NO.18 OF 2019

Ritesh Kumar Awashi ...Applicant /
Plaintiff

Versus

M.V. PFS Supplier and Ors.	...Defendants
WITH	
INTERIM APPLICATION (L) NO.9583 OF 2023	
IN	
ADMIRALTY SUIT NO.61 OF 2018	
Devram Gaura & Ors.	...Applicants / Plaintiffs

Versus

M.V. PFS Supplier and Ors.	...Defendants
WITH	
INTERIM APPLICATION (L) NO.9560 OF 2023	
IN	
ADMIRALTY SUIT NO.1 OF 2020	
Zakir Hussain	...Applicant / Plaintiff

Versus

M.V. PFS Supplier and Ors.	...Defendants
WITH	
INTERIM APPLICATION NO.3171 OF 2021	
IN	
ADMIRALTY SUIT NO.46 OF 2019	
QBE UK Ltd (formerly known as QBE Insurance (Europe) Ltd. & Ors.	...Applicants / Plaintiffs

Versus

Sale proceeds of M.V. PFS Supplier and Ors.	...Defendants
WITH	
INTERIM APPLICATION NO.191 OF 2019	
IN	
NOTICE OF MOTION NO.1026 OF 2019	
IN	
ADMIRALTY SUIT NO.26 OF 2018	
Manoj Kumar & Ors.	...Applicants
In the matter between	

Axis Bank Ltd.

...Plaintiffs

Versus

Sale proceeds of M.V. PFS Supplier and Ors.

...Defendants

Indrajeet Deshmukh i/b Vidhi Partners for the Plaintiff in ADMS No.26 of 2018.

Saurabh Patil with Abhijeet Desai i/b. Harsh G. Pratap for the Applicants / Plaintiffs in ADMS No.46 of 2019.

Mr. Abhishek Khare and R.P. Shirole i/b. Khare Legal Chambers for Plaintiffs in ADMS Nos.27 of 2018, 43 of 2019, 17 of 2019, 18 of 2019, 61 of 2018 and 1 of 2020.

CORAM : R.I. CHAGLA J.

DATE : 23RD FEBRUARY, 2024.

ORDER :

1. The Plaintiffs and Defendants in the above Admiralty Suit, Interim Applications and Notices of Motion filed therein have arrived at a settlement in so far as the priority for release of the sale proceeds of the Defendant vessel. Consent Minutes of Order bearing today's date have been tendered and taken on record and marked 'X' for identification. The Consent Minutes of Order have been signed by the Advocates for the respective parties in the above Suits. This Order is passed in terms of Consent Minutes of Order marked 'X'. The learned Counsel appearing for the Plaintiffs in Admiralty Suit Nos.27 of 2018, 43 of 2019, 17 of 2019, 18 of 2019, 61 of 2018 and 1 of

2020 states that the Court Fees have not been paid in respect of the above Suit. This has also been stated by the learned Counsel for the Plaintiff in Admiralty Suit No.46 of 2019. They state that the Prothonotary and Senior Master of this Court may be directed to deduct the Court Fees payable whilst releasing the sale proceeds in satisfaction of the decree passed in the above Suits. They further submit that when the above Suits were filed, an order had come to be passed dispensing payment of Court Fees at the time of filing of the Suits considering that the crew members and the insurer were still to be paid and their claims yet to be adjudicated.

2. In view thereof, the Prothonotary and Senior Master is directed to deduct the Court Fees payable in the above Suits for which a statement of Court Fees payable in each of the above Suits shall be submitted by the Counsel for the Plaintiffs.

3. The learned Counsel appearing for the Plaintiff in Commercial Admiralty Suit No.26 of 2018 which Suit has been filed by the Axis Bank and in which Notice of Motion No.1026 of 2019 has been taken out states that Axis Bank Ltd is entitled to entire balance sale proceeds after release of the sale proceeds in satisfaction of the

decree in the other Suits filed by the Crew members and the insurer amounting to Rs.1,74,61,161.80 calculated till 15th February, 2024. This is from the fixed deposit lying in Canara Bank A/c. No.0108401005925/6 for an amount of Rs.5,41,82,256/- along with interest standing in the name of the Prothonotary and Senior Master maturing on 28th February, 2024. He states that the Prothonotary and Senior Master may be directed to break the fixed deposit which are maturing on 28th February, 2024 in order for interest component to be paid out as on that date along with the balance of the sale proceeds.

4. In view thereof, the Prothonotary and Senior Master is directed to comply with this Order on 28th February, 2024 when the fixed deposits are maturing and release the sale proceeds as directed in Consent Minutes of Order which forms part of this Order.

5. The Notice of Motion No.1026 of 2019 filed by Axis Bank Ltd in Commercial Admiralty Suit No.26 of 2018 is disposed of in the above terms.

6. The rights of the parties are kept open and liberty to

apply for the refund of Court Fees in accordance with the rules in the above Commercial Admiralty Suits.

7. The undertakings, if any, in the Consent Minutes of Order are accepted as undertakings to the Court.

8. The Suit is disposed of and decreed in accordance with the Consent Minutes of Order.

9. The pending Interim Applications and Notices of Motions filed in the above Suits do not survive and are disposed of accordingly.

10. Drawn up decree/ order is dispensed with unless the parties seek drawn up decree/ order, in which case they are entitled to apply.

11. A soft copy of the Consent Minutes of Order will be uploaded as the second order in the matter.

12. The Registry is to ensure that the hard copy of the signed

Consent Minutes of Order is permanently retained on file as part of the record and is not sent for destruction in the ordinary course.

13. 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.

[R.I. CHAGLA J.]