

Kavita S. J.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
IN ITS COMMERCIAL DIVISION
ADMIRALTY & VICE-ADMIRALTY JURISDICTION

COMMERCIAL ADMIRALTY SUIT NO.23 OF 2021

Abhay Narayan Singh & Ors.,

... Plaintiffs

Versus

The Sale Proceeds of OSV Beas Dolphin
(IMO No. 9413482)

.... Defendant

Ms. Apurva Mehta for the Plaintiffs.

Mr. Ajai Fernandes a/w Mrs. Nina Motiwalla, Ms. Janhavi Kandekar
i/b Motiwalla & Co., for the Caveators.

CORAM : R.I. CHAGLA, J.

DATED : 23RD APRIL, 2024.

ORDER:

1. By Order dated 23rd August, 2021 passed in the Interim Application No.1557 of 2021 for Summary Judgment under Order XIII A read with Order XII, Rule 6 of the Civil Procedure Code, 1908, this Court had decreed the Suit in terms of prayer Clause (a) of the Interim Application and further decreed the Suit for costs of USD 2500/- (INR 1,85,000/- @ Rs.74/- per USD). The Suit was only kept pending for the purpose of determining priorities.

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2. Thereafter, the Interim Application No.3312 of 2021 taken out in the above Commercial Admiralty Suit directing the Prothonotary and Senior Master of this Court to release the payment in terms of decree from the sale proceeds of the Defendant No.1-Vessel was disallowed in terms of prayer Clause (c). The Prothonotary and Senior Master was directed to pay the decretal amount of Rs.22,53,753/- alongwith interest @ 8% per annum on the sum of Rs.19,67,496/- from the date of the Suit till date of payment and sum of USD 2500/- as legal costs from the sale proceeds of Defendant-Vessel presently lying in this Court.

3. Thereafter, the Plaintiff has received the decretal amount and accordingly nothing survives in the above Commercial Admiralty Suit.

4. In that view of the matter, the Commercial Admiralty Suit No.23 of 2021 is disposed off.

[R.I. CHAGLA, J.]