

Sharayu Khot.

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

ADMIRALTY SUIT NO. 13 OF 2011

Cethar Limited

...Plaintiff

Versus

M.V. Le Tong and Ors.

...Defendants

None for the Plaintiff.

S. Venkiteswaran i/b V. Subramanian for Defendant No.1.

Priyanka Patel a/w Siddharth Tuli for Defendant No. 3.

CORAM : R.I. CHAGLA J

DATE : 7 May 2024

ORDER :

1. None had appeared on 23rd April 2024. This Court had as and by way of last chance to the Plaintiff, stood over the Admiralty Suit. It was made clear that in the event the Plaintiff does not make an appearance on the next date, the above Admiralty Suit shall stand dismissed.

2. It is necessary to note that the Admiralty Suit had prior

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to this order, been dismissed for default on two occasions and thereafter, has been restored as per the order of this Court. This fact has also being recorded in the order dated 23rd April 2024.

3. Considering that the Plaintiff has failed to make an appearance, the Admiralty Suit No. 13 of 2011 is dismissed for default.

4. The amount lying deposited with the Prothonotary & Senior Master of this Court by Defendant No. 1 pursuant to encashment of the bank guarantee on 10th May 2022 and amount deposited on 29th March 2022 together with interest for 12 years deposited by Defendant No. 1 on 6th June 2022 as security towards the Plaintiff's claim in the captioned Suit along with accrued interest, is required to be returned to the Defendant No.1 by the Prothonotary & Senior Master of this Court.

5. Accordingly, the Prothonotary & Senior Master of this Court is directed to forthwith remit the said amount deposited with interest accrued thereupon to the Bank Account of the owner of Defendant No. 1 Vessel and/or to Pandi Correspondents Pvt.Ltd., the

P & I correspondents in India of the Vessel's P & I Club, who in turn shall further remit the monies received from this Court to the vessel owner's/their representatives Bank Account, details of which shall be provided by the Defendant No. 1 in the application made. The Prothonotary & Senior Master shall act accordingly.

6. The Admiralty Suit is disposed of accordingly.

7. All parties shall act upon an authenticated copy of this order.

[R.I. CHAGLA J.]