

Kavita S.J.

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

INTERIM APPLICATION NO.4303 OF 2022
IN
ADMIRALTY SUIT NO.12 OF 2017

Jagdish Singh Bhadauria

...Applicant/Plaintiff

Versus

Bharati-S, IMO 8122103 & Anr.,

...Defendants

Mr. Vikrant Shetty a/w Mr. Kush Shah for the Applicant/Plaintiff.
Rushabh Sheth, Official Liquidator present.

CORAM : R.I. CHAGLA, J.

DATED : 8th MAY, 2024.

ORDER :

1. By this Interim Application, the Applicant/Original Plaintiff is seeking order and direction under Rule 1087 of the Bombay High Court (Original Side) Rules for determination of the order of priority of claims against the sale proceeds of the Defendant-Vessel. In addition, the Applicant has sought directions that the Applicant/Plaintiff be paid out of the amount from the sale proceeds of the Defendant-Vessel i.e. decretal amount of Rs.11,86,413.48.

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2. The learned Counsel appears for the Official Liquidator states that he has no objection to grant of prayer Clause 'b' of the Interim Application for determination of the priorities.

3. Considering that the Defendant-Vessel had been arrested in the captioned Suit by Order dated 20th April, 2017 and the order of sale of Defendant-Vessel was passed by the Admiralty Court on 16th January, 2019 as corrected by Order dated 25th January, 2019 and sale confirmed on 5th February, 2019, the order of priorities of claims is required to be considered under the Admiralty Act. This after noting that the Company Petitions have been admitted and Official Liquidator was appointed in respect of Defendant No.2 by Order dated 4th December, 2017.

4. In that view of the matter, the Interim Application is allowed in terms of prayer Clause 'b' which reads thus:

“In the alternative to prayer Clause (a) this Hon’ble Court be pleased to pass an order and direction under Rule 1087 of the Bombay High Court Original Side Rules for determination of order of priority of claims against the sale proceeds of the Defendant Vessel.”

4. The Interim Application is accordingly disposed of.
5. There shall be no orders as to costs.

[R.I. CHAGLA, J.]