

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY AND VICE ADMIRALTY JURISDICTION
IN ITS COMMERCIAL DIVISION**

**INTERIM APPLICATION NO. 4282 OF 2025
IN
COMMERCIAL ADMIRALTY SUIT NO. 4 OF 2024**

**ARUNAVA RAHA AND ANOTHER)...APPLICANTS
IN THE MATTER BETWEEN
ARUNAVA RAHA AND ANOTHER)...PLAINTIFFS
V/s.
M. V. TAG 7 [IMO NO.9379002])...DEFENDANT**

Mr.Ram Jay Narayan, Advocate for the Applicants / Plaintiffs.
None for the Defendant.

Mr.Arunava Raha, Plaintiff no.1, present through video conferencing.
Mr.Murali Krishna Yakkala, Plaintiff no.2, present through video conferencing.

CORAM : ABHAY AHUJA, J.

DATE : 22nd AUGUST 2025

PC. :

1. Pursuant to earlier orders of this Court, today when the matter is called out, Mr.Narayan, learned Counsel, appears for the Applicants and submits that he has now had an opportunity to peruse the report of the Court Commissioner. Mr.Narayan also submits that the two Plaintiffs no.1 and 2 are also present through video conferencing facility as directed by this Court.

2. After perusing the report of the Court Commissioner appointed by this Court, when a query is put to Mr.Narayan, learned Counsel for the Plaintiffs, particularly with respect to the Plaintiff no.1, as the documents that had been submitted to the Court Commissioner for verification were only true copies and none of them were originals, Mr.Narayan would submit that the true copies had been attested by the Advocate and have been verified by the Court Commissioner and also the claims of both the Plaintiffs have respectively been admitted by the erstwhile owners of the Defendant Vessel respectively on 4th February 2019 (page 16 of the plaint) and on 22nd August 2018 (page 92 of the plaint).

3. As regards the claim of the Plaintiff no.2 is concerned, Mr.Narayan, submits on instructions, that since the claim of the Plaintiff no.2 is against the sale proceeds of the Defendant Vessel as well as another Vessel M. V. Tag 9 and that since the crew members' wages are maritime lien against only the Vessels they have served on board, this Court may reduce the principal amount of the claim of the Plaintiff no.2 by Rs.4,000/- and so also the consequential interest amount from the total claim of the Plaintiff no.2.

4. As noted earlier, the Plaintiffs had filed this Suit on 27th March 2023 seeking a decree towards the two Plaintiffs' outstanding wages for the services provided on board the Vessel M. V. Tag 7 IMO No.9379002 which are now represented by the sale proceeds lying deposited with the Prothonotary & Senior Master. It is being noted that the Defendant Vessel was arrested in Commercial Admiralty Suit (Lodging) No.85 of 2020 pursuant to order dated 30th July 2020 and on 21st June 2021, the Defendant Vessel was sold and the sale proceeds deposited in this Court.

5. Mr.Narayan has submitted that the outstanding wages of the Plaintiffs are maritime claim and maritime lien as per Section 4(1)(o), 4(1)(w) read with Section 9 of the Admiralty (Jurisdiction & Settlement of Claims) Act, 2017 (the "Admiralty Act"). Mr.Narayan has submitted that pursuant to order dated 25th July 2025, this Court had after holding that the Suit was not barred by limitation, however, considering that the Suit had been filed by the two Plaintiffs claiming dues of their outstanding wages out of the sale proceeds of the Defendant Vessel M.V. Tag 7 on the basis of their employment agreement / contract for services on board the said Vessel on various dates, appointed Court Commissioner to verify the following

documents of both the Plaintiffs:

- (i) Original agreement / contracts, passports extracts duly certified by Advocate for Plaintiff / Notarized, respective extracts of Seaman's book and Wage statement in respect of crew members with their claims in the Suit with so far originals of which are available.
- (ii) Power of attorney in originals, if any, issued by Plaintiffs to lodge or receive such claims on behalf of the Plaintiffs.
- (iii) Commissioner shall verify the particulars and submit the report by 25th July 2025.

6. That, thereafter, the Court Commissioner has submitted his report dated 25th July 2025 on 25th July 2025 and has verified the said documents / true copies of the said documents submitted to him. Mr.Narayan would submit that, as noted by this Court, the two Plaintiffs are also present on video conferencing pursuant to directions of this Court.

7. The above Interim Application has been filed by the Applicants / Plaintiffs seeking summary judgment in favour of the Plaintiff no.1 against the Defendant for the sum of INR 4,36,322/- together with further interest at the rate of 12% on the principal amount of INR 1,91,000/- and in favour of the Plaintiff no.2 against the Defendant for

the sum of INR 49,601/- together with further interest at the rate of 12% on the principal amount of INR 24,593.15. In addition, the Applicants have also claimed legal costs of Rs.1,50,000/- each.

8. As has been submitted, the Applicants / Plaintiffs are the crew members of the Vessel M. V. Tag 7 IMO No.9379002, their claim is for payment of wages while serving on the said Vessel, which, as noted above, was first arrested and then sold and the proceeds whereof have been deposited with the Prothonotary & Senior Master of this Court.

9. This application seeks summary judgment filed by the two Plaintiffs against the sale proceeds of the said Vessel. The details of the amounts due to the Plaintiffs have been set out in paragraph 12 and in paragraph 24 of the Interim Application. It is the case of the Applicants that these amounts which are due and payable are undisputed and rather admitted. Mr.Narayan has drawn this Court's attention to the admission of liability by the owners of the Vessel at pages 16 and 92 which indicates that the amounts are due and payable. It has been stated in the application that the Applicants served on the Defendant Vessel as per their contractual obligations and the same has been corroborated by the Contract/Articles of Agreement, Seaman's book

and the Continuous Discharge Certificate (CDC) annexed to the plaint. The Court Commissioner appointed by this Court has also verified true copies of the agreements / contracts, passports, Seaman's book as well as Powers of Attorney on behalf of the Plaintiffs as per his report dated 25th July 2025. The copies of the employment contracts, passports, extract of Seaman's book and the CDC contain signature and stamp by the Master of the Vessel.

10. The claims of the two Plaintiffs are a maritime claim and a maritime lien under Section 4(1)(o) and 4(1)(w) and Section 9 of the Admiralty Act, which have not been paid, and therefore, the claim has been made by way of the Suit in terms of the prayer clauses (a) and (b).

11. Having perused the Interim Application for summary judgment and also the report of the Court Commissioner dated 25th July 2025 and also having heard the learned Counsel for the Applicants and also having interacted with the two Plaintiffs through video conferencing, I am satisfied that the Applicants are entitled to summary judgment under Section XIII-A of the Code of Civil Procedure, 1908 ("CPC"). There is no objection raised to the claim of the Applicants / Plaintiffs

and the documents evidencing their service on board the Vessel as well as their claim has not been disputed.

12. I am satisfied that there is no real prospect of any one successfully defending the claim and there is no compelling reason why the claim made by the Applicants should not be allowed before recording of oral evidence.

13. In the circumstances, let there be decree in favour of the Applicants against the sale proceeds of the Defendant Vessel viz. M. V. Tag 7 as under : (i) in the sum of Rs.4,36,322/- together with further interest at the rate of 12% on the principal amount of Rs.1,91,000/- with respect to the Plaintiff no.1 and (ii) in the sum of Rs.49,601/- together with further interest at the rate of 12% on the principal amount of Rs.24,593.15 with respect to the Plaintiff no.2, in addition to legal costs of Rs.1,50,000/- each. The Suit is, accordingly, decreed as above.

14. Mr.Narayan has also submitted that by order dated 18th April 2023 in Interim Application No.4565 of 2022 in Commercial Admiralty Suit No.1 of 2022, the priorities have been determined in the case of

M.V. Tag 7. Mr.Narayan has also drawn this Court's attention to paragraph 9 thereof where the submission on behalf of the Plaintiffs / Applicants has been recorded with respect to their claims requesting that Rs.7,00,000/- should be retained to secure the Plaintiffs' claim pending the outcome of the Suit filed by them and which submission has been accepted by the Court. Mr.Narayan has also drawn this Court's attention to paragraph 32 of the Interim Application with respect to the demarcating of the sums to be paid to the Applicants, whose priorities, in accordance with the order dated 18th April 2023 have been determined and ranked at priority no.1.

15. Mr.Narayan has accordingly pressed for prayer clause (c) with respect to a direction for payment out of the decreed sums in favour of the Plaintiffs out of the sale proceeds of the Vessel lying with the Prothonotary & Senior Master of this Court.

16. Having considered the aforesaid submissions, I also allow the Interim Application in terms of prayer clause (c) which reads thus :

“(c) For an order directing that any sums decreed in favour of the Plaintiffs in terms of prayer clauses (a) and (b) to be paid out from the sale proceeds of the Vessel lying deposited with the Prothonotary and Senior Master of this Hon'ble Court (or

part thereof) towards satisfaction of such decree passed in favour of each Plaintiff.”

17. The Interim Application accordingly stands allowed and disposed as above.

18. Considering that the Plaintiffs have been waiting for quite some time to receive their wages, this Court dispenses with the drawing up of the decree.

(ABHAY AHUJA, J.)

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VILAS
KHATATE

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by ARTI VILAS
KHATATE
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2025.08.22
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