

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

COMMERCIAL ADMIRALTY SUIT NO. 11 OF 2024

THE BOARD OF DEENDAYAL PORT)
AUTHORITY)...PLAINTIFF

V/s.

SALE PROCEEDS OF LPG MAHARSHI)
SHUBHATREYA IMO NO. 8114716 AND OTHERS)...DEFENDANTS

Mr.Prathamesh Kamat a/w. Ms.Heenal Wadhwa i/by the Law Point,
Advocate for the Plaintiff.

None for the Defendants.

CORAM : ABHAY AHUJA, J.

DATE : 20th JUNE 2025

PC. :

1. Pursuant to order dated 21st February 2025, today when the matter is called out, Mr.Prathamesh Kamat, learned Counsel, appears for the Plaintiff and submits that on the last occasion the learned Counsel appearing for the Plaintiff had sought time to take instructions with respect to the service upon the owners of the Vessel and the other Defendants.

2. Mr.Kamat would point out that in view of the decisions of this Court in the cases of *Board of Trustees of Port of Mumbai / Raj*

*Shipping Agencies vs. Barge Madhwa and Another*¹, *Angre Port Private Ltd. vs. Sale Proceeds of GP Asphalt Imo* and *Anand Prakash Gupta and Others vs. Sale Proceeds of Uma Prem and Others*, which view has been relied upon in the case of *American Steamship Owners Mutual Protection and Indemnity Association Inc. vs. Sale Proceeds of the Vessel M. V. Karnika (IMO No.8521220)*² of this Court, in a case where the Suit is filed *in rem* against the sale proceeds of the Defendant Vessel for enforcement of its claim, presence of the owner is not required for adjudication of the Plaintiff's claim and no writ of summons is required to be served on the owner of the Vessel as service of warrant of arrest on the vessel is sufficient. Mr.Kamat submits that the arrest warrant was served on the Vessel. That, therefore, the service of writ of summons is not necessary in this case.

3. Mr.Kamat submits that there is an Interim Application (Lodging) No.32511 of 2023 filed in the matter for summary judgment under Order XIII-A of the Code of Civil Procedure, 1908 ("CPC") as applicable to commercial disputes. Mr.Kamat also undertakes to have the office objections to the said Interim Application removed within a period of

1 2020 SCC Online Bom 651

2 Interim Application (L) No.21837 of 2024 in Commercial Admiralty Suit No.26 of 2002 decided on 25th April 2025

two weeks and requests that the summary judgment application be listed soon.

4. At Mr.Kamat's request, list on **25th July 2025**.

(ABHAY AHUJA, J.)

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