

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ADMIRALTY SUIT NO. 36 OF 2024

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PRASHANT
DHURI

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James Joseph ... Plaintiff

Versus

Sale Proceeds of MV Tag Navya (IMO No. 8819081) ... Defendant

.....

Mr. Ranit Basu alongwith Ms. Maitri Malde, Advocate for the Plaintiff.
None for the Defendant.

.....

CORAM : ABHAY AHUJA, J.

DATE : 10 JULY 2025

P.C. :

1. Today, this matter has been listed for marking of Plaintiff's documents.

2. Mr. Basu, learned Counsel, appears for the Plaintiff and submits that Mr. James Joseph, Plaintiff and the affiant of the Affidavit in lieu of examination-in-chief dated 21st March 2025 is present in Court and that this Court may proceed to mark the documents.

3. Mr. James Joseph, Plaintiff is administered oath by the learned Court Associate.

PW-1 :

Name : James Joseph

Occupation : Master

Address : 4B, Mountfort Apartments, St. Joseph Junction, Near Collectorate's Office, Kottayam, Kerala – 686001.

Examination-in-chief of Mr. James Joseph – PW-1 on S.A. :

(Witness is shown Affidavit in lieu of oral evidence dated 21st March 2025 under Order XVIII, Rule 4 of the Code of Civil Procedure, 1908).

This is my affidavit. The contents of this affidavit are true and correct to my knowledge and belief. I have affirmed and verified this affidavit by signing at the foot of this affidavit. I identify my signature on this affidavit.

I am producing compilation of documents comprising of 6 documents. I have deposed to the said documents in my affidavit in lieu of oral evidence.

The witness has deposed to the truth and contents of the said affidavit. There are no questions in oral examination-in-chief.

4. The affidavit in lieu of oral evidence dated 21st March 2025 is taken on record and marked as **Exhibit P-1/1**.

5. Thereafter, this Court proceeds to mark the compilation of documents of the Plaintiff dated 21st March 2025.

6. The document at serial No.1 of the compilation is the original of the Article of Agreement for Employment of Seafarers dated 8th June 2018. Mr. James Joseph has stated on oath that he has signed the Article of Agreement for employment of seafarers with the Company – Tag Offshore Ltd. It is stated therein that the said Agreement contains

details of the ship owner company, ship, details of employment and other information. That the said Agreement has been signed by him, Mr. Arjun Singh, Master of the vessel who was signing off and the company through its authorized representative on 8th June 2018 being the date on which the Plaintiff started working on the vessel. It is stated that on the date of signing off from the vessel i.e. on 9th January 2019, the said Article of Agreement for the employment of seafarers was signed again by him, the company through its authorized representative and Mr. Arjun Singh who was signing on as the Master of the vessel. It is stated that it bears the signature of the Master of the vessel and that all the signatures have been affixed in his presence.

7. Upon a query as regards, the signature of Mr. Arjun Singh, the Plaintiff's witness submits that at page 16 with respect to document at serial No.3, there is the original time-sheet which also has been signed by the then Master of the Defendant-vessel Mr. Arjun Singh. A visual examination of the said document at serial No.3 and the document at serial No.1 clearly indicate that the signature of Mr. Arjun Singh is matching. Also the Continuous Discharge Certificate-cum-Seafarers Identity Document of the witness, photocopy of which is at serial No.5 and the original whereof has been produced in Court also indicates that the same signature is affixed at page 5. Accordingly the said document

at serial No.1 is marked as **Exhibit P-1/2**.

8. Document at Serial No.2 of the compilation of documents is the original of the seafarers employment agreement (SEA) dated 8th June 2018. The witness has stated that on 8th June 2018, the ship owner company has provided a seafarer employment agreement which contains the terms and conditions of the employment, details of emoluments, duration of employment and other terms and conditions. The witness has stated that the said document has been signed by him and the company through its authorized representative on 18th June 2018 and also bears stamp of the Company. Since the stamp of the Company is double stamped, in order to confirm that the stamp is of the ship owner of the company, Mr. Basu draws this Court's attention to page 11 of the said Agreement which indicates that the stamp is of the ship owner company. Accordingly, the said document is marked as **Exhibit P-1/3**.

9. Since it is already 5.15 p.m. the witness (PW-1) is accordingly discharged for the day.

10. List for further marking of documents on 11th July 2025 on the supplementary Board.

11. The original of Continuous Discharge Certificate-cum-Seafarers Identity Document to the witness.

12. Let the Plaintiff's witness (PW-1) remain present in Court on the next date.

(ABHAY AHUJA, J.)