

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

**INTERIM APPLICATION NO.962 OF 2025
IN
COMMERCIAL ADMIRALTY SUIT NO.36 OF 2022**

The Board of Mumbai Port Authority ...Applicant/Plaintiff
V/s.
M.V. Brahmaputra Dolphin ...Respondent

Mr. Ajai Fernandes with Mrs. N. D. Motiwalla i/b Motiwalla & Co. for
the Applicants/Plaintiffs.
None for Defendant/Respondent.

CORAM : ABHAY AHUJA, J.
DATE : 2nd MAY 2025

P.C. :

1. This Interim Application seeks summary judgment under Order XIII-A of the Code of Civil Procedure, 1908 (the “CPC”) in a claim of the port dues.

2. When the matter is called out, Mr. Fernandes, learned Counsel appearing for the Port Authority submits that although the Defendants No. 3 and 4 have been served, however, some time be granted to serve the Defendant No.2.

3. Ms. Dethe, learned Counsel appears for the Defendant No.4 in another matter, which is on board today and submits that she does not have any instructions to appear in this matter.

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4. Be that as it may, let service to the unserved Defendant(s) be effected and an appropriate affidavit of service be filed in this regard by the next date.

5. List on **9th May, 2025**.

6. Let service positively be effected by the next date, failing which this Court will have no option but to dismiss the matter.

(ABHAY AHUJA, J.)