

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

**INTERIM APPLICATION NO. 2509 OF 2025
IN
COMMERCIAL ADMIRALTY SUIT NO. 5 OF 2019**

NATIONAL INSURANCE COMPANY LTD.)...APPLICANT

IN THE MATTER BETWEEN

JAGSON INTERNATIONAL LIMITED AND ANR.)...PLAINTIFFS

V/s.

SHIPPING CORPORATION OF INDIA)...DEFENDANT

Ms.Brinda Singh i/by Tuli & Co., Advocate for the Plaintiff no.2.

Mr.Prathmesh Kamat a/w. Ms.Sanika Kulkarni and Mr.Amogh
Dabholkar i/by Mr.Adil Patel, Advocate for the Defendant.

CORAM : ABHAY AHUJA, J.

DATE : 25th JULY 2025

PC. :

1. This Interim Application seeks transposition of the Plaintiff no.1 as Defendant.

2. Ms.Brinda Singh, learned Counsel for the Plaintiff no.2 submits that the Plaintiff no.1 has been served and despite that has failed to appear. Ms.Singh draws this Court's attention to service report dated 17th June 2025 which indicates service to the Plaintiff no.1.

3. Mr.Prathamesh Kamat, learned Counsel appearing for the Defendant Shipping Corporation submits that although a reply has been filed opposing the application, however, he submits that this Court may allow the application keeping the contention of maintainability of the Suit open.

4. Having heard the learned Counsel and having considered the submissions, this Court is of the view that for the reasons stated in the application and as submitted before this Court, the application be allowed in terms of prayer clause (i) which reads thus :

“(i) Transpose Plaintiff no.1 as Defendant no.2 in the present Suit.”

5. Let the amendment to the plaint and other proceedings be carried out within a period of two weeks and the amended proceedings be served on the other side in two weeks thereafter and an appropriate affidavit of service be filed.

6. The application accordingly stands allowed and disposed as above.

(ABHAY AHUJA, J.)