

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ADMIRALTY SUIT NO. 65 OF 2018

The Board of Trustees of the Mormugao Port ... Plaintiff

Versus

Sale Proceeds of the Vessel M V Qing and others ... Defendants

WITH

INTERIM APPLICATION NO. 3688 OF 2024

IN

COMMERCIAL ADMIRALTY SUIT NO. 65 OF 2018

The Board of Mormugao Port Authority ... Applicant

In the matter between :

The Board of Trustees of the Mormugao Port ... Plaintiff

Versus

Sale Proceeds of the Vessel M V Qing and others ... Defendants

Mr. Amrut Vernekar, Advocate for the Applicant/Plaintiff.
None for the Respondents/Defendants.

CORAM : ABHAY AHUJA, J.

DATE : 3 JANUARY 2025

P.C. :

Interim Application No. 3688 of 2024 :

1. This Interim Application seeks substitution of the Applicant in the place of the Original Plaintiff in the Complaint, Vakalatnama and other

connected proceedings in terms of the Schedule to the Interim Application.

2. Mr. Vernekar, learned Counsel, appears for the Applicant/Plaintiff and submits that pursuant to the new Act known as the Major Port Authorities Act, 2021, the cause of action which was vested in the Board of Trustees of the Mormugao Port continues and now vests in the Board of Mormugao Port Authority and therefore, this Application be allowed as the Board of Major Port Authority of Mormugao Port has been constituted from 28th January 2022. Mr. Vernekar, learned Counsel, submits that this is a formal amendment and the same be allowed.

3. Having heard the learned Counsel and having considered his submissions, this Court is of the view that the amendment be allowed in terms of prayer clauses (a) and (b), which read thus :

(a) The Applicant be permitted to amend the Plaint, Vakalatnama and other Paraphernalia annexed to the Plaint in terms of the Schedule annexed to this Interim Application.

(b) Delay if any, in taking out this Interim Application be condoned.

4. Let the amendment be carried out to the proceedings, within a period of two weeks.

5. Reverification is dispensed with.
6. Let the amended proceedings be served upon the other parties, within a period of two weeks thereafter.
7. Accordingly, the Interim Application is disposed as above.

Commercial Admiralty Suit No. 65 of 2018 :

8. Mr. Vernekar, learned Counsel appearing for the Plaintiff submits that the matter be listed for marking of documents.
9. Let the Plaintiff's witness remain present on the next date.
10. List on **14th February 2025**.

(ABHAY AHUJA, J.)