

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO.1285 OF 2025
IN
EXECUTION APPLICATION NO.623 OF 2024**

Valimohamed Hashem Khakhra ...Applicant

V/s.

M. V. Labitra Carmel IMO No.8739114 and Ors ...Respondents

Mr. Kunal Damle with Mr. Rupesh R. Lanjekar for the Applicant.
None for the Respondents.

CORAM : ABHAY AHUJA, J.
DATE : 30th JULY 2025

P.C. :

1. This Interim Application seeks a directions to the Prothonotary & Senior Master of this Court to release an amount of Rs. 1,03,07,839.73/- along with interest as per the judgment and order dated 22nd February, 2022 passed in Admiralty Suit No. 64 of 2015 in favour of the Applicant.

2. Mr. Damle, learned Counsel appears for the Applicant and submits that this Court may direct the Prothonotary & Senior Master to release the aforementioned amount from the sale proceeds of M. V. Labitra Kharisma and M. V. Betul SSA, which were sold in auction in Admiralty Suits No. 12 of 2014 and 36 of 2014.

3. Mr. Damle fairly submits that the claim of the Applicant was against M. V. Labitra Carmel, Jaisu Shipping Company Private Limited and Jaisu Dredging and Shipping Limited. That in the Suit Account against M. V. Labitra Carmel there is no money available, therefore, since as per the report of the Prothonotary & Senior Master's officer there are total of Rs. 3,51,84,100/- available with the Prothonotary & Senior Master in the account with respect to the M. V. Kharisma and M. V. Betul SSA, the two vessels also owned by M/s Jaisu Shipping Company Private Limited, this Court may permit withdrawal of Rs. 1,03,07,839.73/- along with interest from the said accounts.

4. Upon a query from the Court to Mr. Damle as to under which provision of law the Applicant as a decree holder permitted to seek disbursal from other suit accounts where the proceeds are lying after sale of vessels owned by the same Defendant in as much as Section 5(2) of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 (the "Admiralty Act") permits only arrest of any other vessel for providing security against the maritime claim in lieu of the vessel against which the maritime claim has been made under the Admiralty Act, Mr. Damle seeks some time to take instructions in the matter.

5. At Mr. Damle's request, list on **22nd August, 2025.**

(ABHAY AHUJA, J.)