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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY AND VICE ADMIRALTY JURISDICTION
IN ITS COMMERCIAL DIVISION
INTERIM APPLICATION NO. 4213 OF 2025

IN

COMMERCIAL ADMIRALTY SUIT NO. 8 OF 2024

Jovita Marina Sequeira and others ... Applicants

In the matter between :

Capt. Gavin Sequeira and others ... Plaintiffs

Versus

M.V. Malaviya Thirty-Six ... Defendant

.....

Mr. Shyam Kapadia alongwith Mr. Ruchir Goenka, Ms. Sneha Goud and Ms. Lavanya Chopra instructed Bose & Mitra & Co., Advocates for the Plaintiffs in COMAS-8-2024.

Mr. Prathamesh Kamat alongwith Ms. Riddhi Kapadnis and Tuhupiya Kar instructed by Mr. Harsh Pratap, Advocate for the Plaintiffs in COMAS-770-2017.

Mr. Harsh Sheth alongwith Ms. Niyati Merchant instructed by MDP Legal, Advocates for the Plaintiff in COMAS-16-2025 & COMAS-26-2025.

Ms. Saloni Sulakhe alongwith Mr. Shloak Sanghvi instructed by Dhruve Vussonji & Associates, Advocates for the Defendant No.3.

Ms. Revati Desai instructed by Mr. Chetan Mali, Advocate for the Defendants No.5 and 6 in COMAS-16-2025.

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CORAM : ABHAY AHUJA, J.

DATE : 22 AUGUST 2025

PC. :

1. This Interim Application has been filed by the heirs of the deceased Plaintiff No.7 seeking to be impleaded in the suit.

2. Mr. Kapadia, learned Counsel, appearing for the Plaintiffs has submitted that the Plaintiff No.7 died on 27th January 2025 and within 57 days viz. on 25th March 2025, the wife of the Plaintiff No.7 filed an Interim Application No.2558 of 2025 to bring heirs on record in the suit. However, on 4th July 2025 pursuant to the hearing before this Court, the said Interim Application was withdrawn with liberty to file an appropriate application to bring all the heirs on record. Thereafter, this Interim Application has been filed by all the legal heirs of the deceased Plaintiff No.7 on 28th July 2025.

3. Mr. Kapadia submits that including the 57 days in the first Interim Application and the 24 days after the order dated 4th July 2025, the present Application is within the 90 days prescribed period and in view thereof, this Court may allow the Application.

4. Learned Counsel appearing for the other parties have no objection if the Interim Application is allowed in terms of the prayer clause (a).

5. Having heard the learned Counsel and having considered their submissions, this Court is of the view that the Interim Application be allowed in terms of prayer clause (a), which reads thus :

(a) This Hon'ble Court be considered to implead the Applicants herein as party Plaintiffs in the instant Commercial Admiralty Suit No.8 of 2024 and to allow the amendments as sought in Schedule A of the present interim application.

6. Let the amendment be carried out within a period of two weeks.
7. Let the amended plaint and proceedings be served in two weeks thereafter and an appropriate affidavit of service be filed.
8. The Interim Application is allowed and disposed as above.

(ABHAY AHUJA, J.)