



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 19.03.2025

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

A.No.988 of 2025
in C.S.No.96 of 2021

Banque Cantonale De Geneve
Caste Postale 2251, 1211 Geneve 2

... Applicant

-VS-

Owners and Parties interested in the Vessel
Caste Postale 2251, 1211 Geneve
2M.V.Polaris Galaxy, and another

... Respondents

For Applicant : Mr.Zarir Barucha, Senior Advocate
for Mr.S.Raghunathan
Ms.Sharanya Vaidhiyanathan
Mr.Chandrasekar Haridh

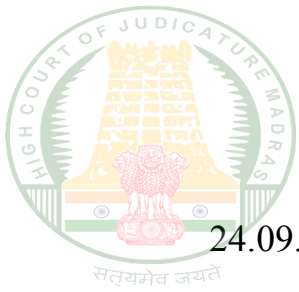
For Respondents : Mr.Prashant S.Prathap, Senior Advocate
for M/s.Deepika Murali
Ms.Anila R.
Mr.Harinarayanan K.



ORDER

WEB COPY By this application, the plaintiff seeks to implead GULF PETROCHEM FZC (GULF PETROCHEM) as the second respondent in the application for summary judgment. By order dated 24.09.2021 in A.No.1494 of 2021, this Court concluded that GULF PETROCHEM is a proper and necessary party to the suit. The matter was carried in appeal and eventually travelled to the Supreme Court. By judgment dated 23.09.2022 in *Owners and Parties Interested in the the Vessel M.V.Polaris Galaxy v. Banque Cantonale De Geneve*, 2022 SCC Online SC 1293, the Supreme Court allowed the appeal *inter alia* by holding that GULF PETROCHEM is a proper and necessary party. GULF PETROCHEM was thereafter impleaded as a party to the suit after effecting service through substituted service.

2. Because GULF PETROCHEM had not originally been made a party in the application for summary judgment, the plaintiff seeks to implead said party. It is pertinent to notice, in this regard, that the application for summary judgment was lodged in March 2021, i.e. prior to the order dated



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24.09.2021 holding that GULF PETROCHEM is a proper and necessary party. Indeed, such order appears to have been issued in the application for summary judgment. The defendant in the suit has filed a counter affidavit. In the counter affidavit, the defendant opposes the impleadment on the primary ground that the application is belated.

3. The application for summary judgment is for the suit claim to be decreed by way of summary judgment. In the judgment of the Supreme Court, referred to above, the Court affirmed the order of the learned single Judge of this Court by holding that GULF PETROCHEM is both a proper and necessary party. Given the nature of relief claimed in the application for summary judgment, in my view, GULF PETROCHEM consequently becomes at least a proper party in this application. Merely on the ground of the belated presentation of this application, I see no reason to reject the same.

4. Ordinarily, notice would have been issued to GULF PETROCHEM prior to the party being impleaded. In the facts and circumstances outlined



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above, however, including the substituted service effected on such party after multiple efforts to serve notice failed, it is just and appropriate that GULF PETROCHEM be impleaded as a party in the application for summary judgment without prior notice being served on such party.

5. For reasons set out above the application to implead GULF PETROCHEM FZC as a party in A.No.1494 of 2021 is allowed. Consequently, the plaintiff is directed to carry out the amendments in the affidavit and judge's summons on or before 26.03.2025. The plaintiff is also directed to serve notice on the impleaded party / second respondent in A.No.1494 of 2021 both privately and through the Ministry of Law and Justice in accordance with the procedure prescribed in the Agreement dated 25.10.1999 between the Republic of India and the United Arab Emirates, returnable on 02.04.2025. The Ministry of Law and Justice is directed to act on a web copy of this order.

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SENTHILKUMAR RAMAMOORTHY,J

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