

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

IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION NO. 536 OF 2025

IN

COMMERCIAL ADMIRALTY SUIT NO. 11 OF 2023

Abdul Saeed and others

... Applicants

Versus

Sale Proceeds of Vessel MT Aeon

IMO No. 9576818

... Respondent

WITH

COMMERCIAL ADMIRALTY SUIT NO. 11 OF 2023

.....

Mr. Karan Bhosale alongwith Ms. Apeksha Sharma instructed by Mr. Utsav Dalal, Advocate for the Applicants/Plaintiffs.

None for the Respondent.

.....

CORAM : ABHAY AHUJA, J.

DATE : 17 APRIL 2026

P.C. :

1. This Summary Judgment Application has been filed under Order XIII-A of the Code of Civil Procedure, 1908 (the “CPC”) by the Plaintiffs, submitting that since the claim is against the sale proceeds of the Vessel MT Aeon (IMO No.9576818) formerly known as MT Selene, there are no prospects of the Defendant being likely to succeed in defending the Suit.

2. Mr. Bhosale, learned Counsel, appearing for the Applicants/Plaintiffs submits that by order dated 21st March 2025, this

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Court, after holding that the Applicants/Plaintiffs are entitled to proceed *in rem* against the sale proceeds of the Defendant-Vessel for enforcement of their claims and considering that the Suit has been filed by numerous crew members claiming dues of their outstanding wages out of the sale proceeds of the Defendant-Vessel based upon their Employment Agreements/Contracts, etc. appointed a Court Commissioner to verify the following documents and submit report :

- (i) Original agreement/contracts, passports extracts duly certified by Advocate for Plaintiff/Notarized, respective extracts of Seaman's book and Wage statement in respect of crew members with their claims in the Suit with so far originals of which are available.
- (ii) Power of attorney in originals, if any, issued by Plaintiffs to lodge or receive such claims on behalf of the Plaintiffs.
- (iii) Commissioner shall verify the particulars and submit the report by 2nd May 2025.

3. Thereafter, a report dated 11th June 2025 was submitted by the Commissioner raising various objections to which an additional affidavit dated 21st August 2025 was filed on behalf of the Applicants/Plaintiffs pursuant to order dated 18th July 2025 of this Court. Thereafter, a second report dated 23rd September 2025 was

placed before this Court by the new Commissioner appointed by this Court, where also certain objections were raised to which an additional affidavit dated 6th October 2025 was filed clarifying/complying with the said objections. That on 4th November 2025, a third report was filed to which an additional affidavit dated 3rd February 2026 was filed, after which a fourth report dated 4th March 2026 came to be filed by the Commissioner appointed by this Court.

4. Mr. Bhosale has submitted that by an additional affidavit dated 3rd February 2026, new powers of attorney alongwith new bank account details were placed on record, after which the Commissioner has duly verified the same and no objections have been raised.

5. Mr. Bhosale submits that the 29 Plaintiffs have filed this Suit on 3rd April 2023 seeking a decree for the outstanding wages for the services provided on board the Defendant-Vessel, which are now represented by the sale proceeds lying deposited with the Prothonotary and Senior Master of this Court. It has been submitted that the Defendant-Vessel MT Aeon (IMO No.9576818) formerly known as MT Selene was arrested vide order of this Court dated 6th June 2022 and subsequently sold pursuant to order dated 30th August 2022 in Sheriff's Report No.52 of 2022 in Interim Application (L) No.23786 of 2022 in Commercial Admiralty Suit No. 41 of 2022.

6. Mr. Bhosale submits that the details of the amounts due to the Plaintiffs have been set out in paragraph 5.c of the Plaint and paragraph 8 of the Interim Application as under :

Sr.No.	Name	Outstanding Wages	Interest @ 12% p.a.
1.	Abdul Saeed	10,110.00	2,220.88
2.	Adnan Shah	3,471.06	734.73
3.	Amir Zeb	7,154.60	1,471.15
4.	Danish Ali Mohammad	7,090.00	1,638.66
5.	Hafeez Muhammad Awan	5,868.00	1,287.49
6.	Imran Khan	5,840.00	1,281.26
7.	Iqbal Ahmed	29,076.80	6,097.77
8.	Jafir Khan	3,477.00	762.27
9.	Khalid Mehmood Khan Tanauli	3,499.99	632.87
10.	Muhammad Bilal Shah	18,216.67	3,982.16
11.	Muhammad Kamran Akhtar	22,114.00	4,616.59
12.	Muhammad Kamran Basheer	2,880.00	597.14
13.	Muhammad Raza	6,813.76	1,491.20
14.	Qadeer Mohammad Usman	4,120.00	902.89
15.	Sajjad Ahmed	23,690.00	5,212.11
16.	Saleem Sameer	9,338.00	2,051.66
17.	Shahzada	5,115.00	1,121.57
18.	Syed Mushahid Raza	14,254.90	2,994.25
19.	Tariq Hamid	28,066.66	6,486.86
20.	Umar Khitab	5,880.00	1,290.00
21.	Yahya Sahib	4,650.00	1,047.96
22.	Ali Nadeem Ansari	10,509.99	1,185.18

23.	Khan Jehangir	2,432.50	274.31
24.	Mehmood Afsar	9,212.01	1,038.81
25.	Muhammad Shariq	1,610.28	181.59
26.	Pervez Ali	3,415.00	385.10
27.	Sakhawat Ali	2,517.50	283.89
28.	Muhammad Pervez Iqbal	17,950.00	2,024.17
29.	Ishtiaque Ahmed	4,627.17	515.25
	TOTAL	2,73,000.89	53,809.77

7. Mr. Bhosale has submitted that earlier on 16th January 2026, this Court had determined the priorities with respect to the claims in the case of MT Aeon (IMO No.9576818) and although the Applicants'/ Plaintiffs' Suit was pending adjudication of, the claims of the Applicants/Plaintiffs under Section 4(1)(o) read with Section 9(1)(a) of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 (the "Admiralty Act") were ranked as 1st in the order of priority of claims under Sections 9 and 10 of the Admiralty Act.

8. Mr. Bhosale further submits that by order dated 17th March 2023, this Court in respect of the earlier batch of crew members with respect to the very same Defendant-Vessel has allowed the Application for Summary Judgment and decreed the Suit against the sale proceeds of the Defendant-Vessel, except that in the present case, the interest sought is at the rate of 12% whereas in the case of the earlier batch the

interest awarded by the Court was at the rate of 6% in addition to legal costs of USD 15,000.

9. Mr. Bhosale submits that since the Commissioner appointed by this Court has duly verified the Agreements/Contracts, passports, CDCs, Seaman's book and wage statement with respect to the crew members as well as the powers of attorney and since there is no objection to the claim of the Applicants/Plaintiffs, there is no real prospect of any one successfully defending these claims and therefore, this Application for Summary Judgment under Order XIII-A of the CPC be allowed and the Suit be decreed.

10. Mr. Bhosale also submits that since the priorities as submitted have already been determined, this Court may also direct the Prothonotary and Senior Master to release claims from the sale proceeds of the Defendant-Vessel deposited pursuant to order dated 30th August 2022 passed in Interim Application No.23786 of 2022 in Admiralty Suit No.18896 of 2022 towards the satisfaction of the decree that would be passed in favour of the Applicants.

11. I have heard the learned Counsel and also considered the submissions. The claims of the Plaintiffs are maritime claims under Section 4(1)(o) and the maritime lien under Section 9(1)(a) of the Admiralty Act, which have not been paid and in respect whereof, the

claim has been made by way of the Suit in terms of the prayer clause (a). There is no objection to the claim of the Applicants/Plaintiffs and/or the documents evidencing their service on board the Defendant-Vessel and there is therefore no dispute as to the claims. The Commissioner appointed by this Court has duly verified the Agreements/Contracts, passports, CDCs, Seaman's book and wage statement with respect to the crew members as well as the powers of attorney. The priorities determined by order dated 16th January 2026 rank the Plaintiffs/Applicants at priority No.1.

12. Accordingly, having heard the learned Counsel and also having perused the Interim Application for the Summary Judgment and also the reports of the Commissioners as noted above, I am satisfied that there is no real prospect of anyone successfully defending the Applicants' claims and there is no compelling reason as to why the claims made by the Applicants should not be allowed before recording of oral evidence. The Applicants are therefore entitled to a Summary Judgment under Order XIII-A of the CPC.

13. The Applicants/Plaintiffs have claimed the interest at the rate of 12%. Mr. Bhosale has fairly submitted that in respect of an earlier batch of crew members, this Court has by order dated 17th March 2023 awarded interest at the rate of 6% on the outstanding dues.

Accordingly, in order to maintain parity, I am also inclined to grant interest at the rate of 6% on the outstanding dues instead of at the rate of 12% as claimed.

14. In the circumstances, the Interim Application is allowed as under :

(i) For a decree in favour of the Plaintiffs and against the sale proceeds of the Defendant Vessel for a sum of USD 299,905.77 including the principal sum of USD 273,000.89 towards their wages and a sum of USD 26,904.88 being interest @ 6% p.a. from the principal sums becomes due till date of filing of the present Suit, plus legal costs of USD 25,000 and poundage of INR 500, along with further interest on the aforesaid sum of USD 273,000.89 at the rate of 6% p.a. from the date filing the present suit till payment and/or realization.

(ii) For an order and direction directing the Prothonotary and Senior Master, High Court of Bombay to release the sale proceeds of the Defendant Vessel deposited pursuant to the Order dated 30th August 2022 passed in Interim Application (L) No.23786 of 2022 in Admiralty Suit No.18896 of 2022 towards the satisfaction of the decree passed in the Applicants' favour.

15. Let there be a decree in favour of the Plaintiffs against the sale proceeds of the Defendant-Vessel viz. MT Aeon (IMO No.9576818) as under :

(a) That the registered owners/bareboat charterers be ordered and decreed to pay the Plaintiffs a sum of USD 299,905.77, including the principal sum of USD 2,73,000.89, towards their wages and a sum of USD 26,904.88 being interest @ 6% p.a. from the principal sums became due till date of filing the present suit, plus legal costs of USD 25,000 and poundage of INR 500, along with further interest on the aforesaid principal sum of USD 2,73,000.89 at the rate of 6% p.a. from the date of filing the present suit till payment and/or realization, as per the Particulars of Claim.

16. Let within a period of four weeks, the Prothonotary & Senior Master of this Court release the amounts to the Plaintiffs from the sale proceeds of the Defendant-Vessel MT Aeon (IMO No.9576818) after due verification.

17. The Interim Application accordingly stands allowed and disposed as above.

18. Drawn up decree is dispensed with.

19. Mr. Bhosale submits that the costs of the Commissioner be quantified at the rate of Rs.5,000/- per Plaintiff/Applicant.

20. Accordingly, Rs.1,45,000/- is quantified as the costs of the Commissioner Mrs. Jyoti Bidye to be paid to her within a period of four weeks from the sale proceeds prior to releasing the decretal amounts to the Applicants/Plaintiffs.

21. The Suit also to accordingly stand disposed as decreed.

(ABHAY AHUJA, J.)