

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION NO. 8241 OF 2025
IN
COMMERCIAL SUIT NO. 32 OF 2022

KROLL TRUSTEE SERVICES LIMITED)...APPLICANT
IN THE MATTER BETWEEN
WINSTAR SHIPHOLDING SA)...PLAINTIFF
V/s.
MT AEON (IMO NO. 9576818) & ANR)...DEFENDANTS

Ms. Jyotika Jain a/w Ms. Lavnya Chopra i/b Bose and Mitra and Co.
Advocate for the Applicant/Defendant No.2
Ms. Isha Sawant i/b Ashwin Shanker Advocate for Respondent/Plaintiff

CORAM : ABHAY AHUJA, J.

DATE : 16th JANUARY 2026

PC:-

1. This Interim Application seeks condonation of delay in filing the written statement on behalf of the Defendant No.2.
2. Ms. Jyotika Jain, learned Counsel appearing for the Applicant/Defendant No.2 submits that by Order dated 08th August 2025, the Applicant's Interim Application No. 2647 of 2025 was allowed and the Applicant was added as a party Defendant to the Suit and was directed to file its written statement to the Suit.

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3. Ms.Jain submits that the Plaintiff has served the amended plaint upon the Advocates for the Applicant through email on 07th November 2025 and the present Interim Application has been filed on 24th December 2025. That the statutory period for filing the Written Statement expired on 06th December 2025. Although not stated there is a delay of 17 days from 06th December 2025 to 24th December 2025.

4. Ms.Jain submits that one Global Radiance Ship Management Private Limited (“GRSM”) has filed a Commercial Admiralty Suit being Commercial Admiralty Suit No. 2 of 2023 wherein GRSM has also filed an Application for amendment of its Admiralty Suit being Interim Application No. 1566 of 2025. That the case set out by GRSM is that the claim which the Plaintiff has claimed herein has already been claimed by GRSM and that this Plaintiff is now fraudulently setting up a claim for amount that has been claimed by GRSM. Ms. Jain submits that therefore it was necessary for the Applicants to meticulously go through all the 1200 invoices annexed by GRSM in its Amendment Application to ascertain whether this claim has been paid or not.

5. Ms.Jain further submits that the Applicant also had to obtain appropriate legal advice from its legal Counsel and its English Lawyers

with regard to the documents annexed in the Plaint. That, these consultations were essential for the accurate representation of the facts and formulation of an appropriate response to the allegations made by the Plaintiff.

6. That, the examination of the Plaintiff's claim and documents provided shows that the Plaintiff has claimed the very amounts that several other parties have claimed and filed suits for recovery.

7. Ms.Jain submits that, therefore, the delay in preferring this Application was neither deliberate nor willful and the same is attributable to the complexities involved in a thorough review of the 1200 invoices. That the Applicants could not have prepared its defence in a cogent, complete and meaningful manner without going through and cross-referencing each document and therefore the delay in filing this application and the written statement has not occasioned by any negligence or omission on the Applicant's part but was rather a result of the Applicant's legitimate efforts to properly assess and challenge the claim computation of the Plaintiff which necessitated further examination of documents in detail.

8. Ms.Jain submits that, therefore, this Court condone the delay of 17 days and direct the Registry to accept the written statement dated 23rd December 2025 on behalf of the Applicant.

9. Ms.Isha Sawant, learned Counsel appearing for the Respondent/Plaintiff submits that no reply has been filed on behalf of the Respondent/Plaintiff and that she has no objection if the Interim Application is allowed.

10. Having heard the learned Counsel and having considered the submissions, for the reasons submitted above, although I am inclined to condone the delay of 17 days, but not without imposing costs for the delay.

11. Accordingly, the delay is condoned, subject to payment of costs of Rs.15,000/- by the Applicant to the Bar Council of Maharashtra and Goa's Advocate Academy & Research Center within a period of two weeks.

12. Subject to payment of costs as above, Registry is directed to accept the written statement. The Interim Application stands allowed and disposed as above.

(ABHAY AHUJA, J.)