

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

**INTERIM APPLICATION NO. 959 OF 2026
IN
COMMERCIAL ADMIRALTY SUIT NO. 5 OF 2026**

LPG Nisyros IMO 9412062	...Applicant
V/s.	
Tzortzis Bias A Greece Hellemic	...Respondent

Mr. Zarir Bharucha, Senior Advocate with Mr. Bimal Rajasekhar for the Applicant.

Mr. Prashant Pratap, Senior Advocate i/b Bose and Mitra and Co. for the Respondent.

CORAM	:	ABHAY AHUJA, J.
DATE	:	27th MARCH, 2026

P.C. :

1. When the matter is called out, Mr. Pratap, learned Senior Counsel appearing for the Plaintiff seeks withdrawal of the Suit and submits that the arrested vessel be released.
2. The Suit is not on board, is taken on board.
3. However, Mr. Bharucha, learned Senior Counsel appears for the Defendant -Vessel and submits that his client Nisyros Special Maritime Enterprises has electronically filed the caveat against the release and tenders across the bar with a copy to Mr. Pratap, a screen shot of the e-

filing system of this Court along with a physical copy of papers entitled caveat along with copy of a vakalatnama of the Advocate on record.

4. Mr. Pratap, learned Senior Counsel opposes the said submission drawing this Court's attention to Rule 1073 of the Bombay High Court (Original Side) Rules, 1980 (the "High Court Rules") to submit that any person desiring to prevent the release of any ship under arrest is required to file in the Registry a praecipe, signed by himself or his Advocate, requesting for entering caveat against the release of such ship containing the name, address and email address of the caveator and/or his Advocate, the nature and the amount of the claim of the caveator and that the caveat against the release of the ship thereupon has to be entered into the books kept in the Registry called "Caveat Release Book" containing the details as above.

5. Mr. Pratap submits that there is no such entry in the Caveat Release Book and therefore, the submissions by Mr. Bharucha claiming to have filed caveat is not the caveat in the eyes of Rule 1073 of the High Court Rules and therefore, this Court may permit withdrawal of the suit and release of the Defendant-Vessel.

6. In this view of the matter, this Court had requested the Registrar

E-filing to attend the Court and explain the procedure followed and the Master and Assistant Prothonoary of the e-filing department has attended the Court and has explained that in accordance with the e-filing rules of the High Court Rules, 2022 and in particular Rule 14.2, e-filing through designated counters is permitted upto 16.00 hours on any Court working days and that in the event the e-filing is carried out after working hours on any day, it will be treated as the date which follows the actual filing date provided it is a Court working day. Actions filed on a day declared as gazetted holiday or on a day when the Court is closed, will be regarded as having been filed on the next working day.

7. This Court has been informed that the filing done upto 16.00 hours is shared with the concerned department and once received after 16.00 hours shared on the next day for checking and for raising objections.

8. However, considering the urgency in the matter, this Court deems it appropriate to direct the Master and Assistant Prothonotary, e-filing department to consider the copy of the caveat tendered by Mr. Bharucha bearing cause title Neon Limited & Anr Vs. LPG Nisyros IMO 9412062 And Nisyros Special Maritime Enterprises containing e-filing

number ANH20250012558C202600002 at 17.12.53 hours and to share it with the concerned department for checking and if found in accordance with the rules to assign it a caveat number .

9. This Court makes it clear that in the event the same is found to be in accordance with Rule 1073 of the High Court Rules and registered number allotted and entered into the Caveat Release Book, then the matter will be listed on 2nd April, 2026 and if it is found that the registered number cannot be assigned due to defects /not approved, then this Court will proceed to permit Mr. Pratap to withdraw the Suit with consequential directions for release of the Defendant-Vessel

10. Let the report be submitted by the Master and Assistant Prothonotary, e-filing by 7.00 p.m.

11. Keep back to be called out at 7.00 p.m.

(ABHAY AHUJA, J.)

Digitally
signed by
NIKITA
YOGESH
GADGIL
Date:
2026.03.27
19:46:18
+0530