

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 354 OF 2014
WITH
NOTICE OF MOTION (L) NO. 513 OF 2014
IN
SUIT (L) NO. 223 OF 2014
WITH
CHAMBER SUMMONS (L) NO. 680 OF 2014
IN
SUIT NO. 354 OF 2014
WITH
NOTICE OF MOTION (L) 690 OF 2014
IN
SUIT (L) NO. 223 OF 2014
WITH
NOTICE OF MOTION (L) NO. 1000 OF 2014
IN
SUIT NO. 354 OF 2014

Man Industries (India) Limited ... Plaintiff

Versus

M/s. Kish Parsian International Procurement Co. & Or. ... Defedants.

Mr. Snehal Shah i/b. Khaitan & Co. for the Plaintiff

Mr. Bomi Patel with Mr. C.K. Thomas for Defendant No. 1.

Mr. Vishal Kanade a/w. Mr. M.S. Bodhanwalla, Mr. Rushabh Sheth, Mr. Rajesh Dubey i/b. M/s. M.S. Bodhanwalla & Co. for Defendant No. 3

Mr. Manoj Khatri for Defendant No. 5

CORAM: S.J. KATHAWALLA, J.

DATE: 5TH MAY, 2014

P.C.:

By the consent order dated 14th May, 2014, the Defendant No. 5 was directed to pay "*all other charges including the detention charges as applicable so as to ensure that the ship is allowed to sail*".

Though the ship was allowed to sail, the Charterer/Owner of the vessel has till date not handed over the delivery order of the goods to Defendant No. 1 on the ground that detention charges are not paid.

In view thereof, Defendant No. 5 shall on or before 7th May, 2014 file an Affidavit setting out the charges that have been paid by Defendant No. 5 to the Port Authority before the ship was allowed to sail. The Port Authority at Gujrat shall also appear before this Court on 7th May, 2014 at 3 p.m. through its Officers/Advocates and inform the Court about the charges received by it from Defendant No. 5 as well as the Plaintiff before the ship was allowed to sail.

A copy of this order shall forthwith be forwarded to the Port Authority at Gujrat by the Advocates for the Parties including the Advocates for the Plaintiff.

Stand over to 7th May, 2014 at 3 p.m.

(S.J. KATHAWALLA, J.)