



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ADMIRALTY SUIT NO. 55 OF 2022**

Zubair Aslam Jerry and others ... Plaintiffs
Versus
Sale Proceeds of M T Aeon ... Defendant

WITH

**INTERIM APPLICATION NO. 360 OF 2025
INTERIM APPLICATION NO. 164 OF 2023**

IN

COMMERCIAL ADMIRALTY SUIT NO. 55 OF 2022

WITH

COMMERCIAL ADMIRALTY SUIT NO. 11 OF 2023

WITH

**INTERIM APPLICATION NO. 536 OF 2025
INTERIM APPLICATION (L) NO. 9032 OF 2024**

IN

COMMERCIAL ADMIRALTY SUIT NO. 11 OF 2023

WITH

COMMERCIAL ADMIRALTY SUIT NO. 9 OF 2024

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Mr. Karan Bhosale (through VC) alongwith Ms. Madhura Shah, Mr. Yashwant Singh instructed by Mr. Utsav Dalal, Advocate for the Plaintiff/Applicant in IA-536-2025.

Mr. Abhishek Khare alongwith Mr. R.P. Shitole instructed by Khare legal Chambers, Advocate for the Plaintiff in COMAS-55-2022 and for the Applicant in IA-360-2025.

Ms. Krushi Barfiwala alongwith Ms. Rima Desai, Mr. Shlok Bodas and Mr. Divyanshu Gupta instructed by Parinam Law Associates, Advocate for the Plaintiff in COMAS-9-2024.

Mr. Deepak Bhalerao, Court Commissioner, present.

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CORAM : ABHAY AHUJA, J.

DATE : 7 MARCH 2025

PC. :

Commercial Admiralty Suit No.55 of 2022 :

1. Pursuant to the order dated 7th February 2025, today when the matter is called out, as far as Commercial Admiralty Suit No. 55 of 2022 is concerned, Mr. Khare, learned Counsel, appearing for the Plaintiffs submits that Interim Application No.164 of 2023 already has a prayer for payment out and that it would not be necessary to take out another application.

2. Mr. Khare, accordingly while referring to order dated 17th March 2023, whereby it has been recorded that the payment will be considered after deciding the priorities submits that priorities have already been decided by order dated 7th February 2025 as recorded in paragraph 1 of the said order.

3. Since the learned Counsel appearing in the other suits have not yet been heard on the Application for payment out on behalf of these Plaintiffs in the Suit, list on **28th March 2025**.

4. Mr. Khare, learned Counsel appearing for the Plaintiff further submits that pursuant to the order dated 24th January 2023, Mr. Deepak Bhalerao, Associate of this Court was appointed as a Commissioner to verify the documents listed at paragraph No.4 of the



said order. That by report dated 16th February 2023, Mr. Bhalerao had concluded his commission work. Mr. Bhalerao in his report stated that he has verified the contracts of employment, statement of wages, notarized true copies of the passport, extract pertaining to each Plaintiff with particulars of claims and set out the same in his report. Thereafter, Mr. Khare submits that on 17th March 2023, an Interim Application No.164 of 2023 filed under Order XIII-A of the Code of Civil Procedure, 1908 for Summary Judgment came to be allowed and the Suit came to be decreed. Mr. Khare submits that since the Commissioner has completed his work, his fees be paid. In support, Mr. Khare tenders across the bar order dated 4th May 2022 in other Admiralty Suits, where the fees of the Commissioner was fixed by consent at the rate of Rs.5000/- per suit to be paid out of the amount deposited as and by way of Sheriff's expenses. Mr. Khare submits that this Court may consider the same while making the payment of the Commissioner's expenses for the commission work carried out pursuant to order dated 24th January 2023 and submits that this Court may fix Rs.5,000/- per Plaintiff.

5. Having heard the learned Counsel and having considered the submissions, this Court deems it reasonable that for the above work, the Commissioner be paid Rs.25,000/- as fees out of the amount



deposited by way of Sheriff's expenses in the matter.

Interim Application (L) No.18486 of 2024 (Interim Application No.536 of 2025) in Commercial Admiralty Suit No.11 of 2023 :

6. Mr. Bhosale, learned Counsel, appears for the Applicant/Plaintiff and submits that this is a Summary Judgment Application. Mr. Bhosale also submits that he will furnish to this Court a compilation of Judgments in support of the Application on 21st March 2025 when the matters scheduled to be listed.

7. List as per schedule on **21st March 2025**.

Commercial Admiralty Suit No. 9 of 2024 with Interim Application (L) No.687 of 2025 (Interim Application No.730 of 2023) :

8. Ms. Barfiwala, learned Counsel, appears and submits that on 7th February 2025, the Interim Application which is also for Summary Judgment has been scheduled to be listed on 21st March 2025.

9. Accordingly, list as per schedule on **21st March 2025**.

(ABHAY AHUJA, J.)