

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

**COMMERCIAL ADMIRALTY SUIT NO. 28 OF 2024**

**MJ Marine Service Pvt. Ltd.**

**...Plaintiff**

**V/s.**

**Sale Proceeds of M. V. Golden Pride IMO 9308522 & Anr....Defendants**

Mr. Ram Jay Narayan for the Plaintiff.

None for the Defendants.

**CORAM : ABHAY AHUJA, J.**  
**DATE : 24<sup>th</sup> JANUARY, 2025**

**PC. :**

1. When the matter is called out, Mr. Narayan, learned Counsel appears for the Applicant and submits that although the Defendant No.1 viz. the Prothonotary & Senior Master has been served, however, the Defendant No.2, the Ship Owner, who had abandoned the vessel, could not be served in as much as the packet appears to have been lost.

2. Mr. Narayan has filed an affidavit seeking service by electronic mail service in accordance with the Bombay High Court Service of Processes by Electronic Mail Service (Civil Proceedings) Rule, 2017.

3. Mr. Narayan also draws the attention of this Court to Order V Rule 25 of the Code of Civil Procedure, 1908 ("CPC") and submits that

in the case of service where Defendant resides out of India and has no agent in India, summons can be served by electronic mail service.

4. Mr. Narayan submits that the regular email addresses of the Defendant No.2 are provided in paragraph 4 of the said affidavit dated 7<sup>th</sup> January, 2025.

5. A perusal of Rule 25 of Order V of the CPC suggests that where the Defendant resides out of India and has no agent in India empowered to accept service, the summons shall be addressed to the Defendant at the place where he is residing and sent to him by post or by such courier service as may be approved by the High Court, by fax message or by electronic Mail service or any other means as may be provided by the Rules made by the High Court, if there is postal communication between such place and the place where the Court is situate.

6. In view of the above, this Court has suggested to the learned Counsel for the Plaintiff to serve the writ of summons by DHL Courier and Mr. Narayan submits that he would endeavour to serve the writ of summons by DHL Courier and obtain a proof of such service and file an appropriate affidavit of service.

7. Accordingly, at the request of the learned Counsel for the Plaintiff to effect service upon the Defendant No. 2 by DHL Courier and file an appropriate affidavit of service in this regard, list on **28<sup>th</sup> February, 2025.**

**(ABHAY AHUJA, J.)**