

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

COMMERCIAL ADMIRALTY SUIT NO.8 OF 2024

Capt. Gavin Squeira and Others ...Plaintiffs
V/s.

Sale Proceeds of M.V Malaviya 23
IMO No.9299082 and Others ...Defendants

WITH
INTERIM APPLICATION NO.2558 OF 2025
IN
COMMERCIAL ADMIRALTY SUIT NO.8 OF 2024
WITH
INTERIM APPLICATION (L) NO.13780 OF 2025
IN
COMMERCIAL ADMIRALTY SUIT NO.8 OF 2024
WITH
COMMERCIAL ADMIRALTY SUIT NO.16 OF 2025
WITH
COMMERCIAL ADMIRALTY SUIT NO.482 OF 2017
WITH
COMMERCIAL ADMIRALTY SUIT (L) NO.28057 OF 2024
WITH
COMMERCIAL ADMIRALTY SUIT (L) NO.28297 OF 2024
WITH
INTERIM APPLICATION NO.3689 OF 2024

Mr.Ruchir Goenka a/w Ms.Sneha Goud, Mr. Samrat Banerjee i/b Bose and Mitra and Co., Advocate for the Plaintiff/Applicant in COMAS/8/2024 and IA/3689/2024.

Mr.Prathamesh Kamat (through video conferencing), Mr.Kayush Zaiwalla, Ms.Riddhi Kapadni, Mr.Tuhupiya Kar, Mr.Sachin Mahadik i/b Mr.Harsh Pratap, Advocates for the Plaintiff in COMAS/770/2017.

Mr.Sharanya Shivarmani (through video conferencing), Advocate for the Plaintiff in COMASL/28057/2024.

Mr.Harsh Sheth i/b MDP Legal, Advocate for the Plaintiff in COMAS/16/2025 and COMASL/28297/2024.

Mr.Chinmay Patil a/w Mr.Nikhil Wagh, Mr.Abhinav Tayade, Advocate for the Applicant in IAL/13780/2025.

Ms.Revati Desai i/b Mr.Chetan Mali, Advocate for the Defendant No.6 in COMAS/16/2025.

CORAM : ABHAY AHUJA, J.
DATE : 4th JULY, 2025

PC. :

Interim Application No. 2558 of 2025

1. This Interim Application seeks to bring only the wife of the deceased, Plaintiff No. 7 on record, while the Plaintiff No. 7 also has other heirs and legal representatives.
2. After this Court has pointed out to Mr. Goenka, learned Counsel for the Plaintiff that under the Code of Civil Procedure, 1908, all the heirs have to be brought on record and it is not the choice of the Advocate or any one of the heir of the deceased Plaintiff to be brought on record, Mr. Goenka seeks to withdraw the Interim Application with liberty to file an appropriate Interim Application seeking to bring all the heirs of the deceased Plaintiff No. 7 on record.
3. The Interim Application is allowed to be withdrawn with liberty as prayed for.

Interim Application (L) No.13780 of 2025

4. Mr. Patil, learned Counsel appears for the Applicant and submits that this Interim Application has been filed pursuant to the notice issued under Rule 1087 of the Bombay High Court (Original Side) Rules, 1980, for making a claim on behalf of the Chief Engineer of the vessel in question for unpaid wages. Mr Patil, however, submits that since the Application has been filed beyond the statutory period of 90 days, another Interim Application seeking condonation of delay has been filed only day before yesterday, but the same is not on board and that this Court may suitably adjourn the matter.

5. It is observed that the Interim Application is on lodging number. Let objections be removed and registered number be obtained within a period of two weeks, failing which the Application to stand dismissed without further reference to the Court.

6. Subject to the above, list on **1st August, 2025**

Commercial Admiralty Suits (L) No. 28057 of 2024 and 28297 of 2024

7. It is observed that both the Commercial Admiralty Suits are on lodging number. Let objections be removed and registered number be

obtained within a period of two weeks, failing which both the Commercial Admiralty Suits to stand dismissed without further reference to the Court.

6. Subject to the above, list on **1st August, 2025**

Interim Application No. 3689 of 2024

7. Learned Counsel submit that this Application seeks to determine priorities.

8. Place this Application along with other matters on **1st August, 2025.**

9. List the other matters also on **1st August, 2025.**

(ABHAY AHUJA, J.)