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

IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION (L) NO. 15214 OF 2026

IN

COMMERCIAL ADMIRALTY SUIT (L) NO. 26345 OF 2021

M.V. San Domino, IMO No.8807129 and another ... Applicants

In the matter between :

The Board of Trustees of the Port of Mormugao ... Plaintiff

Versus

1. M.V. San Domino, IMO No.8807129
2. Creative Gaming Solutions Pvt. Ltd. ... Defendants

.....

Mr. Prathamesh Kamat alongwith Mr. Arpeeta Panvalkar and Mr. Sagarnil Ghosh instructed by Renata Partners, Advocate for the Applicants/Original Defendants No.1 and 2.

Ms. Yashaswini Basu alongwith Ms.Sayalee Dolas instructed by DSK Legal, Advocate for the Respondent/Plaintiff.

.....

CORAM : ABHAY AHUJA, J.

DATE : 8 MAY 2026

PC. :

1. This Interim Application filed by the owner of the M.V. San Domino (IMO No.8807129) (the “Defendant-Vessel”) whose proceeds are deposited in the Court, seeks direction to the Prothonotary & Senior Master to release the balance sale proceeds alongwith the interest in favour of the Applicants, subject to undertaking/security as this Court may deem fit.

2. When the matter is called out, Mr. Kamat, learned Counsel, appears for the Applicant and at the outset, tenders across the bar a draft amendment seeking to amend by inserting prayer clause (b1).

3. Ms. Basu, learned Counsel, appearing for the Respondents does not raise any particular objection.

4. Having heard the learned Counsel, the amendment in terms of the draft tendered across the bar is permitted. Let the amendment be carried out forthwith. Reverification is dispensed with.

5. Mr. Kamat further submits that by order dated 23rd July 2024 in Commercial Admiralty Suit No.59 of 2022, priorities in respect of the Defendant-Vessel, viz. M.V. San Domino, IMO No.8807129 were determined by this Court after observing that no new suits were instituted pursuant to publication of notice by the Sheriff under Rules 1087 and 1088 of the Bombay High Court (Original Side) Rules, 1980 except the three Suits, namely, (i) Commercial Admiralty Suit (L) No.26345 of 2021, which is the present Suit filed by the Board of Trustees of Port of Mormugao, (ii) Commercial Admiralty Suit No. 59 of 2022 filed by Venantius Vincent & Ors. being the Suit by the crew members and (iii) Commercial Admiralty Suit No. 01 of 2023 filed by Elesbao Pereira & Sons being the Suit by the vessel agents, and pay out was permitted to the Plaintiffs-crew members' Suit.

6. Mr. Kamat submits that also by order dated 23rd July 2024 in Interim Application (L) No.20406 of 2024 in Commercial Admiralty Suit No.1 of 2023, this Court had permitted the vessel agent to be paid from the sale proceeds lying in this Court after accounting for Rs.42,55,673/- of the port authority viz. the Plaintiff in the Suit at hand.

7. Mr. Kamat submits that this Court may therefore keeping the amount of Rs.1 Crore towards the Plaintiff-Mormugao Port Authority's claim which is still pending permit withdrawal of the balance amount as the same are needed by the Applicant/owner for its day-to-day operations.

8. Ms. Basu, learned Counsel, appears for the Plaintiff-Board of Trustees of the Port of Mormugao and seeks some time to take instructions in the matter and also if necessary to file a reply.

9. Having heard the learned Counsel and having considered their submissions, the following order is passed :

(i) Let the Plaintiff take instructions and if necessary, file reply within a period of three weeks, with copy to the other side. Rejoinder in one week thereafter, with copy to the other side.

(ii) Let the Prothonotary & Senior Master of this Court/Admiralty Registrar file a report as to the amount lying to the credit of the sale

proceeds of MV San Domino (IMO 8807129) as well as the claims adjudicated and paid, to be paid as well as claims/suits pending adjudication, within a period of three weeks with copy to the parties.

(iii) List on **12th June 2026**.

(ABHAY AHUJA, J.)