

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY AND VICE ADMIRALTY JURISDICTION
IN ITS COMMERCIAL DIVISION

COMMERCIAL ADMIRALTY SUIT NO. 82 OF 2021

COASTAL MARINE CONSTRUCTION AND)
ENGINEERING LIMITED)...PLAINTIFF

V/s.

M. V. LIMA V AND OTHERS)...DEFENDANTS

WITH
INTERIM APPLICATION NO.1006 OF 2022
WITH
INTERIM APPLICATION NO. 3233 OF 2022
IN
COMMERCIAL ADMIRALTY SUIT NO. 82 OF 2021

Mr.Ramjay Narayan i/by Mr.Ashwin Shanker, Advocate for the Plaintiff.
Mr.Manoj Khatri, Advocate for the Defendants.

CORAM : ABHAY AHUJA, J.

DATE : 25th JULY 2025

PC. :

1. When the matter was called out in the morning session, learned Counsel appearing in the matter had sought some time to confer on the draft issues.

2. When the matter is called out in the afternoon session, learned Counsel tender across the bar draft issues.

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3. After some discussion, the following issues are framed by consent:

ISSUES

- (i) Whether the Defendant no.1 is an Inland vessel as defined in the Inland Vessel Act, 1917 and if so, whether the Suit is maintainable ?
- (ii) Whether the Plaintiff proves that Defendants represented that the Defendant no.1 Vessel ordinarily plies in non-inland waters as averred in the plaint ?
- (iii) Whether the Plaintiff proves that the Defendants were in breach of the terms of the governing agreement i.e. Purchase Order dated 23rd November 2020 ?
- (iv) Whether the Plaintiff proves that they are entitled to claim return of entire hire paid by the Plaintiff : - Rs.70,37,966.00, Hire of tugs: - Rs.76,50,303.00, Interest @ 12 p.a. from 18.12.21 – 22.07.21: - Rs.10,33,410.27 and Legal Costs: - Rs.20,00,000.00 ?
- (v) Whether the Defendant proves that delay in delivering the vessel had occasioned due to reason attributable to the Plaintiff ?
- (vi) Whether the Plaintiff proves that they are entitled to a decree for a sum of Rs.1,77,21,679.27 along with interest calculated at the rate of 12% per annum on the principal sum of Rs.1,46,88,269.00 from the date of filing of the Suit till actual realisation as claimed for ?

- (vii) Whether the Plaintiff proves that they are entitled to claim interest calculated at the rate of 12% per annum on the principal sum of Rs.1,46,88,269.00 from the date of filing of the Suit till actual realisation ?
- (viii) What decree ?
- (ix) What orders ?
- (x) What costs ?

4. Let the Plaintiff and the Defendants within a period of four weeks file (i) affidavit of documents and (ii) compilation of documents duly indexed and paginated and serve the same upon the other side.

5. Statements of admission and denial be filed within a period of four weeks thereafter with copy to the other side.

8. List on **12th September 2025** for case management hearing.

(ABHAY AHUJA, J.)