

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

CONTEMPT PETITION NO. 59 OF 2025
IN
ADMIRALTY SUIT NO. 2 OF 2024

KAVITA DEVI)...PETITIONER

V/s.

MACRONI SHIP MANAGEMENT PRIVATE LTD.)
AND ANOTHER)...RESPONDENTS

Ms.Sutapa Shah, Advocate for the Petitioner.

Mr.Shashank Shubham, Advocate for the Respondent no.2.

CORAM : ABHAY AHUJA, J.

DATE : 17th APRIL 2026

PC. :

1. Despite a direction to the Respondent no.2 to positively remain present in Court today, when the matter is called out, one Advocate Mr.Shashank Shubham appears for the Respondent no.2 and submits that although no Vakalatnama has been filed on behalf of the Respondent no.2, he has instructions to appear on behalf of the said Respondent to submit that the Respondent no.2 is not well and therefore could not come to Court and that some time be granted in the matter. Mr.Shubham also seeks to tender a cheque of Rs.1,50,000/-

signed by the Respondent no.2 to Ms.Sutapa Saha, learned Counsel appearing for the Petitioner, which Ms.Saha submits is a pittance and nowhere near the outstanding dues to be received by the mother of the deceased son. Ms.Saha submits that even no payment plan has been furnished till date, as directed by this Court.

2. It is astonishing that the very same explanation is sought to be proffered by the Advocate purporting to appear on behalf of the Respondent no.2 that he is unwell and unable to come to Court. On 27th March 2026 also it was submitted that the Respondent no.2 was on bed rest, and therefore, unable to come to Court. Mr.Shubham had sought time to file Vakalatnama and also to work out the matter with the Petitioner, submitting that the Respondents were keen to clear the dues of the Petitioner.

3. Till date, no Vakalatnama has been filed. To seek to offer Rs.1,50,000/- and that too by a cheque to the learned Counsel appearing for the Petitioner against the outstanding dues of USD 108012 + USD 133.33 is just a mockery of the directions to somehow or the other seek an adjournment without inviting any adverse orders. This Court cannot permit that to happen. No Vakalatnama has been

filed by the Advocate nor any application seeking exemption of the Respondent no.2 has been filed. This Court had in paragraph 4 of the order dated 27th March 2026 directed the Respondent no.2 to positively remain present in Court and also furnish a payment plan for payment of the outstanding dues to the learned Attorneys of the Petitioner in advance. That has also not been done.

4. It is observed from paragraph 2 of the order dated 27th March 2026 that the learned Senior Counsel appearing on the date for the Petitioner had submitted that it is only after the implementation of the direction for substituted service by affixation at the address in Banaras, that the Advocate had cared to appear for the Respondent no.2.

5. In this view of the matter, this Court is constrained to pass the following order :

ORDER

- (i) The Registry is directed to issue a non-bailable warrant of arrest against the Respondent no.2, returnable on the next date, to secure the presence of the Respondent no.2 in Court.
- (ii) The Petitioner to assist the Registry and furnish details of the concerned Police station for the execution of the non-bailable

warrant. The Senior Police Inspector of the concerned Police station to have the said non-bailable warrant executed and secure the presence of the Respondent no.2 on the next date.

- (iii) Let the Respondent no.2 remain present in the Court on the next date.
- (iv) List on **12th June 2026**.
- (v) As regards the breach of orders of this Court, the same will be considered on the next date.
- (vi) The Petitioner is at liberty to accept the cheque offered by the purported Advocate for the Respondent no.2.
- (vii) It is also made clear that if no Vakalatnama is filed within a period of one week, this Court will not hear the concerned Advocate.

(ABHAY AHUJA, J.)

ARTI
VILAS
KHATATE

Digitally signed
by ARTI VILAS
KHATATE
Date:
2026.04.17
20:37:56 +0530