



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

**COMMERCIAL NOTICE OF MOTION NO.1298 OF 2018
IN
COMMERCIAL ADMIRALTY SUIT NO.792 OF 2017**

Union of IndiaApplicant

IN THE MATTER BETWEEN :

National Bank of Greece SAPlaintiff

Vs.

m.v. Theoxenia (IMO 9142980)Defendant

Ms. Mitali Chakravarty I/b. Bose and Mitra and Co. for plaintiff.

Mr. Abhishek Mishra I/b. Mr. Jitendra B. Mishra for applicant/intervener.

CORAM : K.R.SHRIRAM, J.

DATE : 10th AUGUST 2018

P.C.:

1 Mr. Mishra, counsel for applicant relies on paragraph 10 of the order dated 22nd January 2018 in support of this notice of motion.

2 I have considered paragraph 10 of the order dated 22nd January 2018 and that order also is passed by me. The words “..... and may file a claim for the same against the sale proceeds lying in this Court” means file a suit and get a decree. There is no suit filed yet and what applicant is seeking is decree without filing a suit. That is not permissible.

3 Therefore, notice of motion dismissed with liberty to file a suit. All rights and contentions of defendant, if any, are kept open.

(K.R. SHRIRAM, J.)

Gauri Gaekwad