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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ADMIRALTY & VICE ADMIRALTY JURISDICTION

JUDGES ORDER NO.218 OF 2017

IN

ADMIRALTY SUIT (L) NO.530 OF 2017

Brian Joseph Fernandes & Ors.

...Plaintiffs

vs

m.v. Neel Kamal, IMO No.8316558 & Ors.

...Defendants

.....

Mr. Abhishek Khare, a/w. Ms. Tanvi Nandgaonkar, i/b. Khare Legal Chambers, for the Plaintiffs.

....

CORAM : S.C. GUPTE, J.

DATED : 5 OCTOBER, 2017

P.C. :

. Heard learned Counsel for the Plaintiffs.

2. This admiralty suit is filed by the Plaintiffs, who are seamen, seeking to recover their unpaid wages. The unpaid wages amount to a sum aggregating to Rs.30,85,038/-. Copies of the employment contracts of the Plaintiffs and the relevant particulars of outstanding wages are submitted with the plaint. So also, letters addressed to the Shipping Master by the Plaintiffs concerning the unpaid wages are produced on record. The plaint also produces documents showing the ownership of the first Defendant vessel by Defendant No.2 - the employer of the Plaintiffs. Accordingly, a prima facie case for arrest of the first Defendant vessel is made out. A separate Judge's Order is issued to that effect.

3. Formal warrant of arrest is dispensed with.
4. The Plaintiffs will be at liberty to communicate this Order along with the letter from the Sheriff of Mumbai to all Authorities/Port and Customs/Coastal Guards by fax/e-mail/hand delivery.
5. All parties to act on the ordinary copy of this order, duly authenticated by the Associate of this Court.

(S.C. GUPTE, J.)