

IN THE HIGH COURT OF JUDICATURE AT MADRAS
 (ORDINARY ORIGINAL CIVIL JURISDICTION)
 WEDNESDAY, THE 16TH DAY OF AUGUST 2017
 THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN
 A.No.4637 of 2017
 in
 C.S.No.637 of 2017

M/s.Infinity Shipping Private Limited,
 53-55, Rowther Chambers, IV Floor,
 Rajaji Salai,
 Chennai-600 001.

Rep. By its Managing Director
 Mr.K.V.Ganesh

...Applicant/Plaintiff

-Vs-

Owners and Parties Interested in the
 Vessel M V THEOXENIA Presently,
 Lying at the Port of Kakinada and is
 Represented by its Master.

...Respondent/Defendant

A.NO.4637 OF 2017:

Application praying that this Hon'ble Court be pleased to grant an order of arrest of the Defendant vessel MV THEOXENIA in as is where is condition, together with her engines, gears tackles, apparels, plant, machinery, Furniture and Fittings and paraphernalia presently in Indian Waters at the port of Kakinada, Andhra Pradesh State, India or wherever found within the territorial waters of India, pending disposal of the suit.

This Application coming on this day before this court for hearing the court made the following order:

This Application has been filed, seeking an order of arrest of the defendant vessels, MV Theoxenia in as is where is condition, together with its engines, gears,

tackles, apparels, plant, machinery, Furniture and fittings and paraphernalia presently in Indian Waters at the Port of Kakinada, Andhra Pradesh State, India or wherever found within the territorial Waters of India.

2. The deponent of the affidavit has stated that the suit has been filed under the Admiralty Jurisdiction for the recovery of a sum of Rs.US \$ 1,42,761 (US Dollar One Lakh Forty Two Thousand seven Hundred and Sixty one only) equivalent to Indian Rs.90,75,312/- (Rupees Ninety Lakhs Seventy Five Thousand Three Hundred and Twelve only). It is stated that the said amount is due. Since the plaintiff is a leading Steamer Agent registered with the Customs House at Chennai Port, it acts as an Agent for various vessels.

3. The plaintiff also provides various other services, such as organizing for ship repairs, providing water supply, supply of provisions, arranging medical attendance to ships crew, supply of stores both Engine and Deck stores, supply of Bunkers, providing fresh water to various ships. It has been stated that the vessels M V THEOXENIA loaded Cargo of Fertilizers at the Port of Aqaba in Jordan to be delivered at Kakinada Port. It was chartered by M/s. Victory shipping Pvt. Ltd, Singapore, on behalf of the Shippers. It has been further stated that the owner of the Vessel appointed the plaintiff as their Agent. The vessel could not sail out after discharge of the Cargo due to non-compliance with the recommendation of vessel's

classification Society. She was un-sea worthy and unable to trade. The E-mail sent from Greece was received by the plaintiff at Chennai Office.

4. The plaintiff gave a quotation of the Port Cost and for rendering other services. On 13.03.2017 the defendants appointed the plaintiff as such Agents. The quotation was also accepted. The plaintiff provided service to Ship's Crew amounting to Rs.4,42,232/-, Sick Crew Medical Expenses amounting to Rs.72,740/-, Deportation of Deceased Crew amounting to Rs.7,89,848/-, Service to Ship's Repairing Team from Greece amounting to Rs.43,010/-, Supply of Deck/Engine stores and local Technicians amounting to Rs.26,20,449/-, Supply of Provisions amounting to Rs.4,74,654.93/-, Supply of Fresh Water amounting to Rs.61,616/-, M/s.Srija Marine Services., Kakinada amounting to Rs.55,000/-, Gas Monitor - Annual Inspection & Certification amounting to Rs.86,184.95/-, Ship Spare Delivery amounting to Rs.1,55,400/-, Renewal of Sanitation Certificate amounting to Rs.27,149/-, Launch Hire Charges (General) amounting to Rs.98,087/-, Service to Class surveyors, Superintendent and Technicians amounting to Rs.1,90,812/-, Statutory Charges Payable to the Port & Customs amounting to Rs.1,810,814/-, Agency Fee and Transportation amounting to Rs.21,16,595/-.

5. It has been stated that the above amounts have not been paid. The emails demanding payment sent on 10.04.2017 continuously till to 02.08.2017. The plaintiff

had filed all documents in court including the documents for rendering services and the documents demanding payment. Consequently, the suit has been filed.

6. It has been stated that the ship is presently at the outer anchorage at out of Kakinada, Andhra Pradesh as on date, within the jurisdiction of this court. There is also two arrest orders passed by the Mumbai High Court. Consequently, I am satisfied that a prima facie case is made out and the balance of convenience is in favour of the plaintiff. Accordingly, there will be an order of arrest of the defendant vessels MV Theoxenia in as is where is condition, together with her engines, gears, tackles, apparels, plant, machinery, furniture and fittings and paraphernalia presently in Indian Waters at the Port of Kakinada, Andhra Pradesh State, India or wherever found within the territorial waters of India, pending disposal of the suit.

Sd/-C.V.K.J

16.08.2017

//Certified to be a true copy//

Dated this the day of 2017.

EM/16.08.2017

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.