

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 21ST DAY OF DECEMBER 2017

THE HON'BLE MR. JUSTICE KARTHIKEYAN

A.No.8604 of 2017

in

C.S.No.978 of 2017

M/s. Admiral Marine Services Pvt. Ltd.
No.23, Moore Street,
Chennai 600 001
Rep.by its General Manager
Mr.N.V.Gopinath

..Applicant/Plaintiff

-Versus-

Owners and parties interested in the
vessel M V Lewek Fulmar now lying
at the Port of Kakinada, Andhra Pradesh State
and is Represented by its Master

..Respondent/Defendant

This Application pleased to grant an order of arrest
of the Defendant vessel M V LEWEK FULMAR in as is where
is condition, together with her engines, gears, tackles,
apparel, plant, machinery, Furniture and Fittings and
Paraphernalia presently in Indian Waters at the Port of
Kakinada, Andhra Pradesh or wherever found within the
territorial waters of India and thus render justice.

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

The plaintiff M/s. Admiral Marine Services Pvt. Ltd., is a private limited Company registered under the Companies Act. In these proceedings, it is represented by its General Manager.

2. The plaintiff is a Ship Chandler with service all ports in India. M/s. Lewek Shipping Pte. Ltd., Singapore company which owns many ships. Among them is Lewek Fulmar. She has berthed in the port at Kakinada. The plaintiff had occasion to supply materials. The order for supply of such materials were placed by the Manager of the Ship.

3. In this regard, Mr.S.Vasudevan has drawn the attention to the Merchant Shipping (Maritime Labour) Rules 2016 framed under the Merchant Shipping Act, 1958 wherein under Section 3(i) of the Rules, the Manager is also included and is considered to be a deemed owner and any act by the Manager also binds the Ship owner. Consequently on the basis of the orders placed by the Manager, the plaintiff appears to have supplied goods to a total extent of Rs.36,44,487.5. The actual amount due comes to Rs.41,72,042/-. Documents have been produced particularly E-mails dated 27.03.2017, 27.03.2017, 26.04.2017, 28.04.2017, 28.04.2017, 04.05.2017, 05.06.2017, 05.06.2017, 15.06.2017, 19.06.2017, 03.07.2017, 12.07.2017, 07.09.2017 and 07.09.2017 wherein the Manager/owner of the defendant vessel M V Lewek acknowledgment liability and confirmed receipt of the supplies.

4. It is now stated that the vessel is at present at Kakinda port and it is further stated that the Ship is under charter with ONGC which period expires on 31.12.2017 and consequently, Mr.S.Vasudevan insists that unless an order of arrest is made, the plaintiff would

not be able to recover the dues for goods already supplied and for which supply, acknowledgment has been given and for the bills raised, acknowledgment of liability has also been given.

5. In these circumstances, an order of arrest of the vessel M V Lewek Fulmar which is now berthed at Kakinada is ordered.

6. Issue notice to the respondent/defendant through Court and privately returnable by 05.01.2018. Call on 05.01.2018

Sd/.C.V.K.J

21.12.2017

//Certified to be a true copy//

Dated this the th day of 2017.

KY/22.12.2017

COURT OFFICER

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