

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY AND VICE ADMIRALTY JURISDICTION
IN ITS COMMERCIAL DIVISION
JUDGES ORDER NO.152 OF 2018
IN
COMMERCIAL ADMIRALTY SUIT (L) NO.28 OF 2018**

GAC Bunker Fuels Limited)....Plaintiff

Vs.

DSV Gerimal (IMO No.7932240) & Anr.)....Defendants

Mr.V.K.Ramabhadran, Senior advocate a/w. Mr.Brundon Pereira a/w
Mr.Aman Rungta for plaintiff.
None for defendant.

CORAM : K.R.SHRIRAM, J.

DATE : 26th July, 2018

P.C.:

- 1 Not on board. Upon mentioning taken on board.
- 2 Mr.Ramabhadran tenders draft amendment to the plaint which is taken on record and marked 'X' for identification. Leave to amend granted. Amendment to be carried out forthwith.
- 3 At the outset, Mr. Ramabhadran, senior counsel for plaintiff states that there is a caveat filed by Mr. Ashwin Shanker, advocate on behalf of Halani International Limited. The registry has produced the caveat register which states that the security offered is only Rs.1 lakh. Mr. Ramabhadran states that the claim of plaintiff is in excess of USD 3,43,000/- . It is settled law that if plaintiff satisfy the Court that the amount of security mentioned in the caveat is so low that it does not secure its interest, in such a case, plaintiff will also be entitled to move the Court for dispensing with the requirement of serving notice on defendant under

Rule 939 (*Mr. Bernardo de Souza vs. m.v. Seven Island and Anr.*¹).

Therefore, notice dispensed with.

4 Heard Mr. Ramabhadran, senior counsel for plaintiff and also considered the plaint. *Prima facie* case for arrest of defendant vessel is made out.

5 The Judges' Order for arrest of defendant-vessel is signed separately.

6 Plaintiff is at liberty to forward a copy of the communication from the Sheriff of Mumbai forwarding this order by fax/E-mail/hand delivery/RPAD to Port and Customs Authorities.

7 The undertaking of plaintiff's advocates that the warrant of arrest will be served upon the vessel, Port and Customs Authorities within one week from today is accepted.

8 Personal undertaking of the plaintiff's Advocate to pay court fees within one week is accepted.

9 All to act on a copy of this order duly authenticated as true copy by the Associate of this Court.

(K.R. SHRIRAM, J.)

1. Notice of motion no.1858 of 2006 in admiralty suit no.11 of 2006 - unreported