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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY AND VICE ADMIRALTY JURISDICTION
JUDGES ORDER (L) NO. 219 OF 2018
IN
COMMERCIAL ADMIRALTY SUIT (L) NO. 43 OF 2018**

Sagar Yadav and Ors. ... Plaintiffs

vs.

MSV Malaviya 36 (IMO No. 8519083) & Anr. ... Defendants

Mr. Prathamesh Kamat i/b. Ganesh and Co. for the Plaintiff.

Mr. Suhas P. Sawant, Dy. Official Liquidator for the Official Liquidator.

CORAM : A.K. MENON, J.

DATE : 2nd NOVEMBER, 2018

P.C.

Mentioned. Not on board. Taken on production board.

1. Heard learned counsel for the parties. Mr. Kamat, learned counsel for the plaintiff submits that leave under section 446 of the Companies Act, 1956 to institute the suit against defendant no. 1- vessel being under liquidation was granted on 30th October, 2018.

2. This Admiralty Suit seeks to recover a maritime claim in a sum of Rs.2,15,37,846.16 ps towards unpaid wages of the crew of defendant no. 1. On the

basis of the averments in the plaint and the documents produced therewith, a prima facie case for arrest of the defendant vessel is made out.

3. The plaintiff states that there is no caveat registered as on date. The registry has certified that there is no caveat recorded against the defendant no. 1 – vessel as on date. In view thereof, the defendant Vessel MSV MALAVIYA 36 (IMO NO. 8519083) is ordered to be arrested. A Judge's Order is signed separately.

4. All Ports, Customs and all concerned authorities to immediately act on a copy of the order authenticated by the Associate of this Court and Communicated to them by fax/email/courier/hand delivery.

(A.K. MENON, J.)