

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
JUDGES ORDER NO.137 OF 2019
IN
ADMIRALTY SUIT (L) NO.50 OF 2019**

Lavar Shipping Company Ltd	..Plaintiff
Vs.	
M. V. Wilchief 1 (IMO No.8304799)	..Defendant

Mr. Yadunath Bhargvan a/w Mr. Rohan Janardhanan and Mr. Saurabh Iyer
I/b Rex Legalis for Plaintiff
Mr. Ashwin Shanker for Defendant (Caveator)

**CORAM : K.R.SHRIRAM, J.
DATE : 24th JULY 2019**

P.C.:

1 Mr. Shanker undertakes to file vakalatnama on behalf of defendant. In view of the caveat filed against arrest on behalf of owners of defendant vessel, Mr. Shanker undertakes to furnish security upto a maximum of Rs.5 crores. Mr. Shanker states that as the claim amount is only Rs.14,84,724.80, defendant no.1 shall furnish that amount by way of security in favour of Prothonotary and Senior Master, High Court, Bombay, without prejudice to defendant's rights and contentions. Statement accepted.

2 Mr. Bhargvan states that in the judge's order plaintiff is also claiming for 1% sheriff poundage plus interest @ 18% p.a. Mr. Shanker states that prayer clause does not mention any interest and even particulars of claim is silent about it. Mr. Shanker is correct. Therefore, security to be

given, as recorded in paragraph 1 above, in the sum of Rs.14,84,724.80 plus 1% towards sheriff's poundage either by way of cash deposit or bank guarantee of a Nationalised Bank. Mr. Shanker undertakes that security as directed will be furnished within three days. Undertaking accepted.

3 Until the security is given, the vessel shall not sail out of territorial waters of Maharashtra and Mr. Shanker states that the vessel is in the anchorage in Mumbai and owners which is a Bombay registered company, shall not take the vessel outside the territorial waters of Maharashtra.

(K.R. SHRIRAM, J.)