

psv

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY & VICE ADMIRALTY JURISDICTION
IN ITS COMMERCIAL DIVISION**

**JUDGES ORDER NO.226 OF 2019
IN
COMMERCIAL ADMIRALTY SUIT (L.) NO.75 OF 2019**

Lynx Marine	..Plaintiff
Vs.	
M.V. Hansa Prem	..Defendant

Mr. Prathamesh Kamat with Ms. Aditi Maheshwari and Ms. Ankita Sen i/
b. M/s. Ganesh & Co., Advocates for the Plaintiff.

CORAM : G.S. KULKARNI, J.

DATE : 21st NOVEMBER, 2019

P.C.:

1. Mentioned. Not on board, taken on board.
2. Heard Mr. Kamat, learned Counsel for the Plaintiffs.
3. The Plaintiff's claim in the Admiralty Suit pertains to maritime claim. The claim is on the basis of four purchase orders dated 17 January 2019, 26 March 2019, 8 April 2019 and 10 July 2019 as placed by the owner of the defendant vessel Mercator Limited for supply of hydraulic fluid, lubricant, air compressor oil and a debit note dated 30 October 2018. Mr. Kamat has also referred to an email dated 20 November 2019 being email of the owner of the vessel acknowledging the liability of Rs.22,82,678/-. The particulars of claim are at Exhibit "X" for an amount of Rs.32,62,114.67.

Order is corrected as per speaking to the minutes of the order dt.21/11/2019

4. The claim as made by the plaintiff falls within the Maritime claim as per Section 4(1)(l) of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act 2017 (for short, “the Act”). Arrest of the vessel was sought as per Section 5(1)(a) read with Section 5(2) of the Act.

5. Having considered the averments in the plaint and the documents produced therewith a *prima facie* case for arrest of the Defendant vessel is made out. In view thereof, the Defendant Vessel **M.V. HANSA PREM (IMO No. 9225330)** is ordered to be arrested.

6. The Judges order for arrest of defendant vessel is signed separately.

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

8. Caveat Register book is produced. The Plaintiff states that there is no caveat registered as on date.

9. All Port, Customs and all concerned authorities to immediately act on a copy of the order duly authenticated by the Associate of this Court and Communicated to them by fax /email /Courier /hand delivery. Port Customs, and other concerned authorities shall not insist on Original copies of this order for its timely execution.

10. The undertaking of the Plaintiff's Advocates that the Warrant of Arrest will be served upon the Defendant Vessel and all other concerned Authorities within a period of two weeks from today is accepted.

11. After execution of Warrant of Arrest, if the arrested Vessel is not released by furnishing security or bail amount within 15 days, or an Application for vacating order of arrest is not filed, or the Vessel is found abandoned by the person in-charge of the Vessel or Owner, or is found unmanned, then, in such an event, on an Application being made by the Plaintiff, the office of the Sheriff of Mumbai shall present a Sheriff's report for auctioning the Defendant Vessel within seven days from the date of receiving communication from the Plaintiff's Advocate or from the date of knowledge of abandonment of Defendant Vessel.

12. All parties are directed to act on an ordinary copy of this order duly authenticated by the concerned Associate/Personal Assistant/Private Secretary of this Court.

[G.S. KULKARNI, J.]