

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

JUDGE'S ORDER NO. 235 OF 2019
IN
COMMERCIAL ADMIRALTY SUIT (L) NO.79 OF 2019

Sherzaad B.Driver

....Plaintiff

Vs.

DSV Gerimal (IMO No.7932240) and Ors.

....Defendants

Mr.Ashwini Sinha i/by Harsh G.Pratap for plaintiffs.

CORAM : K.R.SHRIRAM, J.

DATE : 9th DECEMBER 2019

PC.:

1 Not on board. Upon mentioning papers produced at 4.45 p.m.

2 Heard Mr.Ashwini Sinha, counsel for plaintiff and also considered the plaint. *Prima facie* case for arrest of defendant-vessel is made out.

3 The Judge's Order for arrest of defendant-vessel is signed separately. Also sighted the caveat register and there is no caveat against arrest of 1st defendant vessel as per the endorsement made today at 2.50 p.m. by the Section officer of the Execution Department.

4 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.

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

6 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 vessel is found abandoned by the person in-charge of the vessel or owner or is found unmanned, in such an event, on application made by plaintiff, the office of Sheriff of Mumbai shall present Sheriff's report for auctioning vessel within seven days from the date of receiving communication from the plaintiff's advocate or from the date of knowledge of abandonment of vessel.

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

(K.R. SHRIRAM, J.)