

Application No.3610 of 2019
in
C.S.No.336 of 2019

KRISHNAN RAMASAMY, J.

Though, notice was served on the respondents, none appeared on their behalf.

2. The learned counsel for the petitioner submitted that they are the ship owners within the meaning as provided in the Merchant Shipping (Recruitment and Placement of Seafarers) Rules, 2016. They are acting as Recruitment Managers and they recruited one Malarvannan Silambarasan as Able Seaman on board to the Vessel MV Emerald Star. In the said Vessel, there were 26 Crew Members, and the Vessel met with an accident and thereby, the Vessel got broken into two pieces. Out of the 26 crew members who travelled in the Vessel, 16 were rescued and 10 were missing. Only 1 body was recovered and 9 bodies were not recovered. Out of these 10 persons missing, there is Malarvannan Silambarasan also. Therefore, they filed suit for declaring Malarvannan Silambarasan as dead person.

3. In the meantime, the applicant filed the above Application in A.No.3610 of 2019 for the deposit of compensation for a sum of Rs.68,57,705.24/-, pending disposal of the suit as per the Rule 5(w) of Merchant Shipping (Recruitment and Placement of Seafarers) Rules, 2016 which reads as follows:

“endeavour that the death compensation or disability compensation are paid by the ship owner without undue delay”

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mrm/hvk

4. In order to comply the above provisions, now the petitioner/applicant is willing to deposit amount, pending disposal of the suit. So, this Court is of the view that it will be appropriate to permit the petitioner to deposit the amount of Rs.68,57,705.24/- in C.S.No.336 of 2019 within a period of three weeks from the date of receipt of this order and also agreed to draw a DD for a sum of Rs.68,57,705.24/- in the name of Registrar General, Madras High Court and after taking the DD, the petitioner is permitted to deposit with the Registrar General, Madras High Court for the safe custody of the said DD until the disposal of the suit.

5. Accordingly, the application is allowed. No costs.

16.05.2019

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