

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

JUDGES ORDER NO.6 OF 2020

IN

COMMERCIAL ADMIRALTY SUIT (L) NO.2 OF 2020

IDBI Bank Limited

....Plaintiff

Vs.

MV TAG NAVYA (IMO No.8819081) & Anr.

....Defendants

Mr. V. K. Ramabhdran, senior advocate a/w. Mr. Prasad Shenoy and
Mr. Naishadh Bhatia i/b. M/s. Crawford Bayley and Company for applicant/
plaintiff.

CORAM : K.R.SHRIRAM, J.

DATE : 20th JANUARY 2020

PC.:

1 Not on board. Upon mentioning taken on production board at
3.00 p.m.

2 Heard Mr. Ramabhdran, senior advocate 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. Mr. Ramabhdran states there is no caveat against arrest of
defendant vessel as per the endorsement made today at 2.08 p.m. by the
Section officer of the Execution Department in the praecipe.

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 two weeks from today is accepted.

6 Plaintiff shall also forward the communication mentioned in paragraph 3 and a copy of the warrant of arrest in paragraph 4 above to defendant no.2 within 48 hours from the time this order is uploaded. Mr. Ramabhdran states that though there is no caveat filed against arrest of defendant vessel, by way of abundant caution, plaintiff has given notice of this arrest application to the Liquidator though erroneously referred to as Resolution Professional.

7 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 plaintiff's advocate or from the date of knowledge of abandonment of vessel.

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

(K.R. SHRIRAM, J.)