

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

JUDGES ORDER NO.8 OF 2020

IN

COMMERCIAL ADMIRALTY SUIT (L) NO.4 OF 2020

Angre Port Private Limited

....Plaintiff

Vs.

TAG 15 (IMO No.9705550)

....Defendant

Mr. Prathamesh Kamat a/w. Ms. Pooja Tidke, Mr. Riyan Mendes and
Mr. Yash Bajaj i/b. Parinam Law Associates for applicant/plaintiff.
Ms. Radhan Munegun, authorised signatory of plaintiff present.

CORAM : K.R.SHRIRAM, J.

DATE : 20th JANUARY 2020

P.C.:

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

2 Heard Mr. Kamat, counsel for plaintiff and also considered the
plaint.

3 Mr. Kamat, on instructions states that the owners of defendant
are under liquidation and the Liquidator has already been appointed.
Mr. Kamat states that in law, there is no bar to pass an order of arrest
against defendant vessel and since there is already an undertaking on record
to pay such sum by way of damages, as the Court may order, incase the
order of arrest is held to be wrongful, the Court should pass the order of
arrest since the claim of plaintiff amounts to a maritime lien, atleast part of
the claim. Mr. Kamat states that for Port dues, certainly plaintiff will be
entitled to exercise possessory lien.

4 *Prima facie* case for arrest of defendant vessel is made out.

5 The Judge's Order for arrest of defendant vessel is signed separately. Mr. Kamat states there is no caveat against arrest of defendant vessel as per the endorsement made today at 2.50 p.m. by the Section officer of the Execution Department in the praecipe.

6 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.

7 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.

8 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.

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

(K.R. SHRIRAM, J.)