

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

JUDGE'S ORDER NO.35 OF 2020

IN

COMMERCIAL ADMIRALTY SUIT (L) NO.8 OF 2020

AHM MARINE LLC

....Plaintiff

Vs.

O.S.V. DOLPHIN BEAS & Anr.

....Defendants

Mr. Manoj Khatri i/b. Mr. Arnab Ghosh for plaintiff.

CORAM : K.R.SHRIRAM, J.

DATE : 21st FEBRUARY 2020

P.C.:

1 Not on board. Upon mentioning taken on production board at 4.45 p.m.

2 Heard Mr. Khatri, counsel for plaintiff and also considered the plaint. *Prima facie* case for arrest of 1st defendant vessel is made out.

3 The Judge's Order for arrest of 1st defendant vessel is signed separately. Mr. Khatri states there is no caveat against arrest of 1st defendant vessel as per the endorsement made today at 2.20 p.m. by the Section officer of the Execution Department in the praecipe.

4 It is clarified that the security to be furnished will be for USD 325,000 and not USD 374,266.75 as mentioned in the Judge's order. It is also clarified that if defendant is giving a Bank Guarantee, then the Bank Guarantee shall be of a nationalised bank for USD 325,000 with interest at the rate of 4% p.a. on USD 317,169.54 from the date of the suit until

payment/realisation.

5 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.

6 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.

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.)