

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

**INTERIM APPLICATION (LODGING) NO.1 OF 2020
WITH**

JUDGES ORDER NO.1 OF 2020

IN

COMMERCIAL ADMIRALTY SUIT (L) NO.1 OF 2020

Amba Shipping & Logistics Pvt. Ltd.Plaintiff

Vs.

M.V. Sumayla One and Ors.Defendants

Ms. Vidhi Nyati i/b. Mr. Balaji Iyer for applicant/plaintiff.

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 At the outset, Ms. Nyati states that plaintiff has taken out an interim application (lodging) no.1 of 2020 for leave to amend the plaint. Ms. Nyati states that the plaint has not been served on defendants and therefore, prays that the amendment be allowed.

3 For reasons mentioned in the amendment application, amendment is allowed. Amendment to be carried out forthwith. Liberty to apply after amendment.

AT 5.15 PM. IN CHAMBER

4 Ms. Nyati states that the urgency is that the vessel is likely to sail tonight.

5 Ms. Nyati undertakes to replace the Exhibits brought in by way
of amendment in red colour within one week from today. Undertaking
accepted.

6 Heard Ms. Nyati, counsel for plaintiff and also considered the
plaint.

7 Ms. Nyati states that both the vessels Tug Transtar and M.V.
Sumayla One are sister vessels and owned by M/s. Transtar Marine and
Offshore Services. Ms. Nyati states that though in the equasis ship folder for
vessel Transtar, the owner is shown as Transtar Marine and Offshore, the
word “services” missing, the address “405 Bharat Chamber, Baroda Street,
Mumbai 400 009, India” is the same address which is in the ship
management agreement dated 14th October 2013 for M.V. Sumayla One.

Ms. Nyati states that in the ship history for defendant no.1 -
M.V. Sumayla One also, an extract of which is at page 22/23 to the plaint,
the registered owner is shown as Transtar Marine and Offshore.

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

9 The Judge’s Order for arrest of defendant vessel is signed
separately. Ms. Nyati states there is no caveat against arrest of defendant
vessel as per the endorsement made today at 2.05 p.m. by the Section
officer of the Execution Department in the praecipe.

10 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.

11 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.

12 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.

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

(K.R. SHRIRAM, J.)