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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION**

**JUDGE'S ORDER NO. 37 OF 2020
IN
COMMERCIAL SUIT (L) NO. 77 OF 2019**

K. George Eassi and 3 ors.	...Plaintiffs
vs	
M.V.Don Jose and 2 Ors.	...Defendants.

.....

Mr Sunip Sen i/b Ms Sutapa Saha for the Plaintiffs.

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**CORAM : B. P. COLABAWALLA, J.
 12th MARCH 2020.**

P.C. :

The present suit has been filed, in this Court in its Admiralty jurisdiction, by the plaintiffs who were the master and crew of the 1st defendant vessel. Defendant No.2 is the owner of the 1st defendant vessel and defendant No.3 is the crewing agent. The present Judges Order has been filed to arrest the 1st defendant vessel in order to secure the dues/wages of the plaintiffs.

2. I have heard Mr. Sen, the learned counsel appearing on behalf of the plaintiffs and also considered the averments in the plaint. On going through the plaint, I find that a *prima facie* case for

arrest of the 1st defendant vessel is made out. In the present case the case of the plaintiffs is that the wages of the master and the crew of the 1st defendant vessel are due. It would, therefore, clearly be not only a maritime claim under Section 4(1)(o) of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 but also be a maritime lien as contemplated under Section 9 thereof.

3. In these circumstances, the Judge's Order for arrest of the first defendant is signed separately. I have also seen the Caveat register and there is no Caveat against arrest of the 1st defendant vessel, as per the endorsement made today at 10.55 a.m. by the Officer of the Execution Department, Prothonotary and Senior Master, High Court (Original Side) Bombay.

4. The plaintiffs are at liberty to forward a copy of communication from the Sheriff of Mumbai forwarding this order by fax/email/hand delivery/RPAD to all the concerned Authorities.

5. The undertaking of the plaintiffs' advocate that the warrant of arrest will be served upon the vessel and all other concerned Authorities within a period of one week from today is accepted.

6. 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 the vessel is found abandoned by the person in-charge of the vessel or owner or is found unmanned, then, in such an event, on an application being made by the plaintiff, the office of the Sheriff of Mumbai shall present a Sheriff's report for auctioning the vessel within seven days from the date of receiving communication from the plaintiffs' advocate or from the date of knowledge of abandonment of the vessel.

7. All parties including the Port & Customs Authorities are directed to act on an ordinary copy of this order duly authenticated by the concerned Associate/ Personal Assistant / Private Secretary of this Court.

(B. P. COLABAWALLA, J.)