

**IN THE HIGH COURT OF JUDICATURE AT BOMAY
ADMIRALTY AND VICE ADMIRALTY JURISDICTION
IN ITS COMMERCIAL DIVISION
JUDGE'S ORDER NO.48 OF 2021
IN
COMMERCIAL ADMIRALTY SUIT (L) NO. 2827 OF 2021**

The Board of Trustees of the Port of MumbaiPlaintiff

V/s.

M.V. PFS Courage, Tirupati Vessel Pvt Ltd. & OrsDefendants

Mr. Ajai Fernandes a/w Ms. Sneha B. Pandey i/b Motiwalla and Co. for plaintiff/applicant.

**CORAM : K.R.SHRIRAM, J.
DATED : 10th MARCH 2021**

PC. :

1 This is a claim by Mumbai Port Trust against defendant no.1 vessel for non payment of port dues as per the invoices referred to in paragraph 5 of the plaint. I have heard Mr. Fernandes and considered the plaint and the documents annexed thereto.

2 Prima facie case for arrest is made out.

3 The Judge's order for arrest of defendant no.1 vessel is signed separately. Mr. Fernandes states there is no caveat against arrest of defendant no.1 vessel as per the endorsement made today at 1.45. p.m. by the Section Officer of the Execution Department. Caveat warrant book against arrest is also presented in the court and the Court Associate confirms that there is no caveat entered against arrest of defendant no.1 vessel.

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 Customs Authorities.

5 The undertaking of plaintiff's advocate that the warrant of arrest will be served upon the vessel within two weeks 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 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.

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

(K.R. SHRIRAM, J.)