

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY & VICE ADMIRALTY JURISDICTION
IN ITS COMMERCIAL DIVISION
JUDGES ORDER No.95 OF 2021
IN
COMMERCIAL ADMIRALTY SUIT (L) No. 12148 OF
2021

HITESH KAROTRA

(SOLE PROPRIETOR OF MAHAVIR ENTERPRISE)

...

Plaintiff

Versus

M.V. MANGALAM (IMO No. 9084619)

...

Defendant

Mr. Prathamesh Kamat a/w Ms. Prerna Verma i/ b M/
s. Ganesh & Co., Advocates for the *Plaintiff*

CORAM: MILIND N. JADHAV, J.

(VACATION COURT)

Dated: 2nd June, 2021

P.C :-

1. Mentioned. Not on board, due to extreme urgency, taken on board.

2. Heard Mr. Kamat, learned Counsel appearing for the Plaintiff and also considered the averments made in the Plaint. On going through the Plaint, I find that *prima facie* case for arrest of the Defendant Vessel is made out. In the present case, the claim in the Plaint is a maritime claim. They are the dues of the Plaintiff's towards supplies delivered for the Defendant vessel and her sister vessels at the instance of the registered owner of the Defendant vessel. This claim will, therefore, will squarely fall within a maritime claim as defined in Section 4(1)(l) of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017.
3. In these circumstances, the Judge's Order for arrest of the Defendant vessel is signed separately. The Caveat register is produced before me there is no caveat against arrest filed pertaining to the Defendant Vessel. Further, Mr. Kamat on instructions states that

there is no caveat against arrest of the Defendant vessel in the register. The said statement is accepted.

4. The 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 all concerned authorities.
5. The undertaking of the Plaintiffs' Advocate that warrant of arrest will be served upon the Defendant vessel and all other concerned authorities within a period of three weeks from today by e-mail is accepted.
6. After execution of warrant of arrest, if the Defendant Vessel is not released by furnishing security or bail amount within 15 days, or an application for vacating the order of arrest is not filed, or the Defendant vessel is found abandoned by the person in charge of the Defendant vessel or owner or is found

unmanned then, in such an event on an application being made by the Plaintiff the office of sheriff of Mumbai shall present a Sheriff's Report for auctioning the Defendant Vessel within 7 days from the date of receiving communication from the Plaintiff's advocate or from the date of knowledge of abandonment of the Defendant Vessel.

7. Port, Customs and all concerned authorities to immediately act on a copy of the order duly authenticated by the Associate of this Court or a digitally signed copy of the order of this Court communicated to them by fax / email / Courier / hand delivery. Port, Customs, and other concerned authorities shall not insist on Original copies of this order for its timely execution.

(MILIND N. JADHAV, J.)