

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

**JUDGE'S ORDER NO. 54 OF 2022
IN
COMMERCIAL ADMIRALTY SUIT (L) NO. 21308 OF 2022**

Seven Seas Maritime Services
(Singapore) Pte. Ltd.

... Plaintiff

Versus

MT Aeon (IMO No.9576818)

... Defendant

Mr. Ramjay Narayan a/w Balaji Harish Iyer i/b Ashwin Shanker for the
Plaintiff.

CORAM : R.I. CHAGLA, J.

DATED : 5th JULY, 2022.

ORDER :

1 Heard the learned Counsel for the Plaintiff and considered the averments in the plaint. On going through the plaint I find that the arrest of the Defendant vessel has been made out. In the present Suit, the claim of the Plaintiff is maritime claim as defined in Section 4 (1)(l) of the Admiralty (Jurisdiction & Settlement of Maritime Claims) Act, 2017. This claim is towards supply of necessities made by the Plaintiff to the

Master and/or Owner and Manager i.e. Global Radiance of the Defendant vessel. Necessaries/Goods supplied as well as invoices raised are annexed to the Consent Terms. The principal amount outstanding and payable to the Plaintiff is USD 38,970/-. This is inclusive of interest on outstanding amounts and costs. The purchase Order and corresponding invoices raised by the Plaintiff are set out in the tabular form at paragraph 7 of the plaint. The purchase orders placed by Global Radiance categorically state that Global Radiance is acting “as managers and agents only for and on behalf of the Ship Owning Company and the Ship”.

2 In these circumstances, I find that there is a cause of action in favour of the Plaintiff and that the vessel being at Jawaharlal Nehru Port, Mumbai is within the Admiralty jurisdiction of this Court. As stated above, the Plaintiff has made out a prima facie case. I am also satisfied that the balance of convenience lies with the Plaintiff to whom, irreversible prejudice would be caused if the reliefs sought in the Judge’s Order were to be denied. Accordingly, I order and direct the arrest of the Defendant Vessel MT AEON along with her hull, tackle, engines, machinery, boats, bunkers, equipment, paraphernalia and other appurtenances presently at anchorage at the port and harbour of Mumbai or wherever she is within the territorial waters of India until the satisfaction of the Plaintiff’s claim.

3 The endorsement dated 05.07.2022 at 10.45 a.m. by the office of the Execution Department, Prothonotary and Senior Master, High Court (Original Side), Bombay, in the praecipe has been read and I am satisfied accordingly.

4 I have seen the Judge's Order and it seems to be in the proper form and with the appropriate contents. I therefore make an order in terms of the Judge's Order in the facts and circumstances of the present case and have signed the same separately.

5 The undertaking of the Plaintiff's Advocate that the warrant of arrest will be served upon the Defendant Vessel within a period of six weeks from today is accepted.

6 After service of the warrant of arrest, if the Defendant vessel is not released from arrest 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 to be 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 7 days from the date of receiving communication from the Plaintiff's Advocate or from the date of knowledge of abandonment of vessel.

7 This order shall be digitally signed by the Private Secretary/
P.A. of this Court. The Plaintiff is at liberty to forward a copy of this order
and the Judge's Order and the letter from the Sheriff of Mumbai
intimating arrest of the Defendants vessel by fax/email/hand
delivery/RPAD to all the concerned authorities who are directed to
forthwith act on the same.

(R.I. CHAGLA, J.)

Digitally signed
by WAISHALI
SUSHIL
WAGHMARE
Date:
2022.07.05
18:01:50
+0530