

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY AND VICE ADMIRALTY JURISDICTION
IN ITS COMMERCIAL DIVISION
JUDGE'S ORDER NO.101 OF 2022
IN
COMM. ADMIRALTY SUIT (L) NO.38481 OF 2022**

Amba Shipping and Logistics Pvt. Ltd. ... Plaintiff
Versus
MV Thera (IMO No.9351177) and Anr. ... Defendants

Mr. Balaji Harish Iyer with Mr. Aziz Saifee i/by Mr. Ashwin Shankar,
for Plaintiff.

**CORAM: N.J.JAMADAR, J.
DATE: 9th DECEMBER, 2022**

P.C.:

1. Not on board. Upon mentioning, taken on production board.
2. The Plaintiff has moved this Judge's Order for the arrest of MV Thera (IMO No.9351177) – Defendant No.1 Vessel.
3. This suit is instituted for a decree in the sum of Rs.68,98,617.64 along with further interest @ 18% p.a., being the amount of the charges for the technical management services rendered by the Plaintiff to the Defendant No.1 Vessel at the instance of Defendant No.2, the registered owner of Defendant No.1 Vessel.
4. It is averred that the Defendant No.1 Vessel is a motor tug flying the Indian flag and is presently at the port and harbour of

Mumbai and within the territorial water over which this Court exercises jurisdiction.

5. The Plaintiff claims to have rendered services to the Defendant No.1 Vessel in accordance with the Ship Management Agreements dated 4 August 2020 and 18 May 2022. Invoices were raised. An amount of Rs.68,98,617.64 is outstanding. Despite acknowledging liability, Defendant No.2 has committed default in payment.

6. I have perused the averments in the plaint and the documents annexed with it.

7. It seems that the claim of the Plaintiff constitutes a maritime claim within the meaning of Section 4(1)(l) and (t) of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017. I find that a prima facie case to arrest the Defendant No.1 Vessel is made out.

8. Caveat Register is verified. The Admiralty Registrar has certified that no caveat against the arrest of Defendant No.1 Vessel has been entered.

9. Hence, the following order :

ORDER

(i) I order arrest of MV Thera (IMO No.9351177) -

Defendant No.1 Vessel lying and being within the admiralty jurisdiction of this Court, along with her hull, gear, engines, tackle, bunkers, machinery, plant, apparel, furniture, fixtures, equipment and all appurtenances thereto,

(ii) Judge's Order is signed separately.

(iii) The Undertaking of the Plaintiff dated 9th December, 2022 is accepted.

(iv) Warrant of arrest is dispensed with.

(v) In the event the arrested Vessel is not released by furnishing security or bail within six weeks of service 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, then on an Application being filed by the Plaintiff, the Sheriff shall present a report for auctioning the vessel within 14 days from the date of receiving communication from the Plaintiff's Advocate or from the date of knowledge of abandonment of Vessel.

(vi) The Sheriff of Mumbai and all concerned including the Port Authority shall act on an ordinary copy of this order duly authenticated by the Associate of this Court.

(N.J.JAMADAR, J.)