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WEB COPY **ABDUL QUDDHOSE, J.**

This application has been filed under the Admiralty jurisdiction. Under the Admiralty jurisdiction the vessel is the defendant. Admittedly, the defendant vessel is presently not available within the jurisdiction of this Court. No security has also been furnished by the defendant. This being the admitted position, no Admiralty suit is maintainable when the vessel is not available. If at all the plaintiff is having any remedy they have to approach the Court where the vessel is located or proceed against the company which owes the money by filing an ordinary suit or an arbitration claim, if there is an arbitration agreement. Since the vessel is not available and no security has been furnished by the defendant for the suit claim, nothing survives for adjudication in this Admiralty suit, and this Admiralty suit has now become infructuous, in view of the aforementioned reasons.

2. Accordingly, this Suit is dismissed as infructuous. However, liberty is granted to the plaintiff to proceed against the company which owes the money or against the vessel which is liable for the loss caused to them by initiating appropriate proceedings in accordance with law before the appropriate jurisdiction. According to the plaintiff the defendant has violated the consent terms which was recorded by this Court in A. No.1388 of 2020. If that be so, the only remedy available for the plaintiff is to initiate appropriate legal proceedings as referred to supra either against the company which had signed the consent terms or against



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the defendant vessel wherever it is presently located before the appropriate Court. Consequently, connected application is also closed.

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