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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

JUDGE'S ORDER NO.36 OF 2024
IN
COM ADMIRALTY SUIT (L) NO.6340 OF 2024

Global Bunkering Ltd.

...Plaintiff

Versus

M.V. Ocean Amethyst (IMO 9561227) and Anr. ...Defendants

Manoj Khatri with Arnab Ghosh for the Applicant / Plaintiff.

CORAM : R.I. CHAGLA J.

DATE : 22ND FEBRUARY, 2024.

ORDER :

1. Mentioned. Not on Board. Taken on Board.
2. The above Suit, along with Judge's Order, has been moved ex-parte after the circulation was granted. The urgent relief sought is the arrest of the Defendant No.1 Vessel as there is an apprehension that Defendant No.2, the owner of Defendant

No.1 vessel may sell the vessel. According to the Plaintiff, it has an irrefutable claim against the Defendant No.1 Vessel. If the Defendant No.1 Vessel is sold, the present proceedings will be rendered infructuous.

3. Coming to the brief facts, the present suit is for judgment and decree against the Defendant No.1 Vessel and the arrest, sequestration, condemnation and sale of the Defendant No.1 Vessel for securing and/or satisfying the Plaintiff's aggregate claim of USD 43,694.90 (United States Dollars Forty-Three Thousand Six Hundred and Ninety-Four and Ninety Cents) along with interest calculated at the rate of 24% per annum on the principal amount i.e. USD 29,613.00 (Exhibit-H). The claim in the Suit arises out of supplies made to Defendant No.1 Vessel. The supplies were made to the faith and credit of the Defendant Nos. 2. Defendant No.1 vessel has used and/or benefitted from the said supplies made by the Plaintiff. The Plaintiff has, however, been only partly paid in respect of the same. The present Suit is to recover the unpaid amounts for which the present suit is filed and the above Judge's Order has been taken out for arrest of the Defendant No.1 Vessel.
4. I have heard the learned counsel appearing on behalf of the

Plaintiff and also considered the averments made in the Plaintiff. Perusing the Plaintiff and the annexures a *prima facie* case for arrest of the Defendant No.1 Vessel is made out. In the present case, *prima facie*, the claim in the Plaintiff is a maritime claim as defined in section 4(1)(l) of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017.

5. In these circumstances, I find there is no doubt that there is a cause of action in favour of the Plaintiff and that the Defendant No.1 Vessel being at Mumbai port is within the admiralty jurisdiction of this Court. The Plaintiff has made out an ample *prima facie* case. The balance of convenience lies with the Plaintiff to whom, in my view, almost irreversible prejudice would be caused if reliefs were to be denied.
6. Advocate for the Plaintiff states that the Registry has produced the Caveat Register, and there is no valid caveat against arrest with respect to the Defendant No.1 Vessel.
7. Accordingly, I order and direct the arrest of the Defendant No.1 Vessel, along with her hull, engines, gears, tackles, bunkers machinery, apparel, plant, furniture, fixtures, appurtenances and paraphernalia, plant and machinery at present at Mumbai port until the satisfaction of the Plaintiff's

claim.

8. I have seen the Judge's Order and it seems to me to be in the proper form and with the appropriate contents. I accept the undertakings contained in the Judge's Order as undertakings to the Court. I therefore make an order in terms of the Judge's Order in the facts and circumstances of the present case and is signed separately.
9. The Plaintiff is at liberty to forward a copy of the communication from the office of the Sheriff of Mumbai along with a copy of this order by Fax/email/hand delivery/ RPAD to the Port and Customs authorities.
10. After service of this Order of arrest, if the arrested vessel is not released by furnishing security or bail amount within eight (8) weeks of service, or an application for vacating the order of arrest is not filed, or the vessel is found 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 fourteen (14) days from the date of receiving communication from the Plaintiff's advocate or from the date of knowledge of

abandonment of vessel.

11. The Plaintiff prays for the Warrant of arrest of the Defendant No. 1 Vessel to be dispensed with. The said request is accepted.
12. All parties to act on an authenticated copy of this Order.

[R.I. CHAGLA J.]