



A.No.3838 of 2024 in
C.S.(COMM DIV) No.134 of 2024

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P.VELMURUGAN, J.

The suit has been filed under the admiralty jurisdiction of this Court seeking the arrest of the defendant vessel, which is currently lying at the port of Tuticorin, within the admiralty jurisdiction of this Court.

2. The case of the applicant/plaintiff viz., NILA Logistics LLP, is that it was formed in 2017 to provide professional agency services for principals whose vessels call at Thotthukudi Port for cargo operations and other husbandry requirements. The applicant entered into the business of importing and exporting minerals, such as Limestone, Aggregates, Clinkers, Rock Boulders, etc. They entered into a charter party contract dated 02.03.2024 with the vessels MOTOR TUG (M.T) ASL COURAGEOUS IMO No.(9371622), flying the Singapore flag, represented by its Master, and DUMB BARGE ASLCO 3008 IMO (COR-0516-19), flying the Singapore flag, represented by its Master. The applicant further states that, as per the Charter Party Contract, the owners should have permitted the representative of the applicant/plaintiff to join the vessel on 26.03.2024 at Batam, Indonesia. However, the owners of MOTOR TUG (M.T) ASL COURAGEOUS and BARGE ASLCO 3008 violated the conditions and declined the joining, causing a loss of Rs.1,66,66,666/- to the applicant, resulting in the present suit.



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3. In support of the suit claim, the applicant filed documents along with the plaint. The applicant also pleaded that the respondent / defendant-vessel is the sister MOTOR TUG (M.T.) ASL COURAGEOUS IMO No.(9371622) & BARGE ASLCO 3008 IMO (COR-0516-19). The applicant asserts the right to seek the remedy of arresting the defendant Motor Tug INTAN T3501, which is the sister vessel of MOTOR TUG (M.T.) ASL COURAGEOUS IMO No.(9371622) & BARGE ASLCO 3008 IMO (COR-0516-19). The applicant/plaintiff has also asserted that the defendant vessel which is now lying at the Port of Tuticorin, is likely to sail away from the Port of Tuticorin, without paying the dues of the applicant/ plaintiff and in which event, they will be put to irreparable loss and hardship.

4. This Court, after giving due consideration to the plaint averments and the documents filed along with the plaint, is of the considered view that the applicant /plaintiff has made out a *prima facie* case. The balance of convenience is also in favour of the applicant and if the vessel is allowed to sail away from the port of Tuticorin without paying the dues of the applicant, it will be put to irreparable loss and may not be possible to recover the dues. Accordingly, there shall be an order for the arrest of the defendant vessel, Motor Tug INTAN T3501, currently lying at the Port of Tuticorin, as prayed for in this application.



A.No.3838 of 2024 in
C.S.(COMM DIV) No.134 of 2024

5. Notice to the respondent/defendant returnable by 27.08.2024. The

Registry is directed to issue a Warrant of Arrest as per the Admiralty Rules of this Court forthwith. The learned counsel for the applicant is permitted to communicate this order to the owners of the defendant vessel as well as the authorities concerned through all modes of service, including by email. Upon receipt of such communication, the authorities shall act upon the same immediately.

30.07.2024

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