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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY AND VICE ADMIRALTY JURISDICTION
IN ITS COMMERCIAL JURISDICTION**

COMMERCIAL ADMIRALTY SUIT (L) NO.4717 OF 2026

Shreeji Shipping Services (India) Limited	... Plaintiff
v/s.	
Diamond (IMO No.1036941) & Anr.	... Defendants

JUDGE'S ORDER NO.16 OF 2026

Mr. Shyam Kapadia a/w. Ms. Tripti Sharma i/by Bose & Mitra &
Co. for the Plaintiff.

CORAM : KAMAL KHATA, J.

DATED : 9TH FEBRUARY 2026.

P.C. :

1. This matter has been circulated for being listed today submitting that the Defendant No. 1 Vessel **DIAMOND (IMO NO. 1036941)** (“**Defendant Vessel**”) is within the admiralty jurisdiction of this Court and may leave the jurisdiction frustrating the efforts by the Plaintiff to recover the outstanding dues under a charterparty (“**Charterparty**”) entered between the Plaintiff and Defendant No. 2, who is the registered owner of the Defendant Vessel. Accordingly, this matter has been taken up for hearing at 3.00 p.m.

2. When the matter is called out, Mr. Shyam Kapadia, learned Counsel, appearing for the Plaintiff submits that pursuant to the Charterparty, the Plaintiff had chartered five (5) vessels to the Defendant No. 2. It is submitted that pursuant to the terms of the Charterparty, the Plaintiff was entitled to receive charter hire payments in advance for 15-day period from Defendant No. 2 for all five (5) vessels.

3. Mr. Kapadia submits that the Plaintiff raised invoices under the Charterparty and that several invoices totalling to INR 80,57,112.40 still remain due and payable. Mr. Kapadia submits that the Plaintiff is entitled to file the present Admiralty Suit for recovery of the amounts due from Defendant No. 2 towards charter hire and other payments due and payable under the Charterparty along with interest thereon.

4. Mr. Kapadia further submits that the Plaintiff's claim constitutes a maritime claim arising out of an agreement relating to the use and hire of a ship contained in the Charterparty agreement as recognized under Section 4(1)(h) of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 (the "**Admiralty Act**"). That the Plaintiff is therefore entitled to maintain an action *in rem* against Defendant No. 1 Vessel for its maritime claim under Section 5(1)(a) of the Admiralty Act, as the Defendant Vessel was owned by Defendant No. 2 when the Plaintiff's cause of action first arose against Defendant

No. 2 and continues to be owned by Defendant No. 2. That the Plaintiff has a strong *prima facie* case on merits.

5. Having heard the learned Counsel and having considered his submissions as well as having perused the various documents annexed to the Plaint as well as the relevant provisions of the Admiralty Act, with his assistance, I am of the *prima facie* view that a case for arrest of the Defendant Vessel has been made out: there appears to be a maritime claim under the provisions of Section 4(1) (h) of the Admiralty Act and the Defendant Vessel appears to be within the admiralty jurisdiction of this Court. Accordingly, in view of Section 3 and Section 5(1) of the Admiralty Act, this Court has jurisdiction to direct arrest of the Defendant Vessel.

6. I have also perused the certificate issued by the Section Officer of the Execution Department today at 2.50 p.m., which indicates that there is no caveat against the arrest of the Defendant-Vessel.

7. Accordingly, the following order is passed:-

ORDER

- i. I order the arrest of the Defendant-vessel named **DIAMOND (IMO NO. 1036941)**, lying and being within the Admiralty Jurisdiction of this Court along with hull, engines, gears, tackles, machinery, apparels and paraphernalia lying and being

presently at Mumbai Port or wherever in the territorial waters of India.

- ii. Warrant of arrest is dispensed with.
- iii. If the Defendant-vessel is found abandoned or unmanned, the office of the Sheriff shall present a report for auctioning the vessel upon request of the Plaintiff.
- iv. The Plaintiff is also at liberty to file an Application for sale of the Defendant-vessel provided no application for vacating the order of arrest is made.
- v. The Judge's Order is accepted and signed separately.
- vi. The Plaintiff's undertaking dated 9th February 2026 is accepted.
- vii. The Plaintiff is at liberty to intimate this order to the Master of the Defendant Vessel, relevant Port and Custom authorities along with the copy of the communication of the office of the Sheriff of Mumbai by email/hand delivery.
- viii. All concerned authorities, Port, Customs and CISF to immediately act on a copy of this order duly authenticated by the Associate/ PS/ PA of this Court and communicated to them by fax/ email/ courier/ hand delivery.

(KAMAL KHATA, J.)