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

JUDGES ORDER NO. 55 OF 2026
IN
COMMERCIAL ADMIRALTY SUIT (L) NO. 14996 OF 2026

Ability Line S.A. ...Plaintiff
V/s.
M. V. Shebelle, IMO 9385594 & Anr. ...Defendants

Mr. Shyam Kapadia with Mr. Ashutosh Tiwari i/b Bose & Mitra & Co. for the Plaintiff.

CORAM : ABHAY AHUJA, J.
DATE : 27th APRIL, 2026

P.C. :

1. Circulation of this matter had been sought this morning, submitting that the Defendant No.1-Vessel viz. M. V. Shebelle, IMO 9385594 (the "Defendant No. 1-Vessel") is within the admiralty jurisdiction of this Court and that the matter be listed on the production board for consideration of a Suit in *rem* for arrest of the Defendant No.1-Vessel for the purposes of providing security against the maritime claims falling under Sections 4(1)(g) and 4(1)(h) of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 (the "Admiralty Act"), not only with respect to balance charter hire charges but also loadport demurrage, discharge port demurrage and detention charges. Accordingly, the matter has been listed at serial no. 501 on the production board.

2. Mr. Kapadia, learned Counsel appearing for the Plaintiff has submitted that the Plaintiff had in terms of BIMCO (Gencon 1994) dated 17th October, 2025 with the Defendant No. 2 provided services of its vessel MV Rubato in terms of the said Charter Party in terms of Gencon 1994 Uniform General Charter. Mr. Kapadia submits that although in terms thereof 95% of the charter hire charges have been paid, however, 5% balance of charter hire as well as loadport demurrage and discharge port demurrage as well as detention charges all aggregating to USD 670,681.40 have remained outstanding for which dispute has only been raised with respect to damages to the cargo in Hold No. 4. Mr. Kapadia also draws this Court's attention to Particulars of Claim at Exhibit – HH at page 206. Mr. Kapadia has submitted that the claim of the Plaintiff is a maritime claim under Section 4(1)(g) and Section 4(1)(h) of the Admiralty Act for which Mr. Kapadia submits that the Plaintiff is entitled to file the Suit in *rem* seeking arrest of the Defendant No.1-Vessel under Section 5(1)(a) of the Admiralty Act.

3. Mr. Kapadia has in support of his contentions also taken this Court through various exhibits and annexures to the Plaint.

4. Mr. Kapadia has also taken this Court to two Equasis reports at Exhibits - A and B which indicates that the ownership of the Defendant

No.1-Vessel is with the Defendant No.2.

5. Mr. Kapadia submits that there is no caveat against the arrest of the Defendant No1-Vessel. Learned Court Associate has also tendered certification by the Section Officer of the Execution Department of this Court as at 4.25 p.m. today, which clearly indicates that there is no caveat against the arrest of the Defendant No.1-Vessel.

6. Mr. Kapadia has also tendered across the bar a printout of the website marinetraffic.com, which indicates that the Defendant No.1-Vessel is within the jurisdiction of this Court at Mumbai anchorage today.

7. Accordingly, having heard the learned Counsel and having considered his submissions and also having perused the Plaint as well as the various documents annexed to the Plaint with his assistance, in my view, a *prima facie* case for arrest of the Defendant-Vessel has been made out: there is a maritime claim under Section 4(1)(g) and 4(1)(h) of the Admiralty Act and the Defendant No.1-Vessel appears to be within the jurisdiction of this Court at Mumbai anchorage.

8. Therefore, in view of the Section 3 and Section 5(1)(a) of the Admiralty Act, having jurisdiction to direct arrest of the Defendant-Vessel, the following order is passed:-

ORDER

(i) I order the arrest of the Defendant-Vessel named M. V. Shebelle, IMO 9385594, 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 or wherever in the territorial waters of India.

(ii) Warrant of arrest is dispensed with.

(iii) 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.

(iv) The Judge's Order is signed separately.

(v) The Plaintiff's undertaking dated 27th April, 2026 is accepted.

(vi) All concerned to act on a copy of this order, duly authenticated by the Associate of this Court.

(vii) The Plaintiff is at liberty to communicate this order to the Sheriff of Mumbai, the Master / Captain of the Defendant-Vessel, the relevant Port and Custom authorities by email/hand delivery.

NIKITA YOGESH GADGIL

Digitally signed by NIKITA YOGESH GADGIL
Date: 2026.04.27 19:41:26 +0530

(ABHAY AHUJA, J.)