

(2024) 07 OHC CK 0087

Orissa High Court

Case No: ADMLS No.3 Of 2024

Scandi Trading Ltd

APPELLANT

Vs

Mv Zhe Hai 505

RESPONDENT

Date of Decision: July 29, 2024

Acts Referred:

- Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 - Section 4(1)(I)

Hon'ble Judges: V. Narasingh, J

Bench: Single Bench

Advocate: V.J. Mathew, A. Pati, T. Barik, S.R. Pati, P. Gautam, K.K Thakkar, S. Roy

Judgement

V. Narasingh, J

ADMLS No.3 of 2024 & I.A. No.10 of 2024

1. This matter is taken up through Hybrid Mode.

2. In this admiralty suit the Plaintiff prays to pass a decree in its favour and against Defendant – MV ZHE HAI 505 (IMO No.9567477) to pay a sum of USD 120,259.67 which is equivalent to INR Rs.99,81,553/- (Rupees ninety nine lakhs eighty one thousand five hundred fifty three). The claim arises out of supply of “Low Sulphur Marine Gas Oil i.e. LSMGO 10PPM Max ISO 8217:2017” which, is stated to be covered under Section 4 (1)(I) of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017.

3. Mr. S.J. Biswal and associates, learned counsel have entered appearance on behalf of the Defendant. Vakalatanama filed in Court is taken on record.

4 Heard learned Senior Counsel for the Plaintiff and perused the documents annexed.

5. Prima facie, this Court is satisfied that the claim is maintainable in this forum of admiralty against the aforesaid Vessel.

6. Considering the submission vis-à-vis the averments made in the plaint and the documents annexed thereto a prima facie case is made out for arrest of Defendant – Vessel (IMO No.9567477).

7. This Court is persuaded to hold that unless such order of arrest of Defendant - Vessel is passed, case of the Plaintiff will be frustrated and the suit will be rendered infructuous as it is stated by the Plaintiff on instructions that the Vessel in question is likely to leave Paradeep Port shortly.

8. Hence, Defendant – MV ZHE HAI 505 (IMO No.9567477) be arrested at Paradeep Port. Accordingly, a separate Judge order is passed.

9. Ordered Accordingly.

10. The Plaintiff is at liberty to communicate the order along with letter of the Marshall of this Court, which is defined under Rule (2) of the Orissa High Court Admiralty (Jurisdiction and Settlement of Maritime Claims) Rules, 2020 and through Fax, E-mail and hand delivery. The Plaintiff is also at liberty to serve the warrant of arrest in course of next twenty four hours. All parties shall act on ordinary copy of this order duly authenticated by the Deputy Registrar (Judicial) of this Court.

11. Learned Senior Counsel for the Defendant Mr. Thakkar submits that in view of the ramification(s) the matter be listed at an early date.

12. Copy of the plaint be served on the learned counsel for the Defendant along with annexures in course of the day.

13. List this matter on 01.08.2024.

.....