

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(ORIGINAL ADMIRALTY JURISDICTION)**

MONDAY, THE FIRST DAY OF DECEMBER,

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

COMMERCIAL SUIT NO: 8 OF 2025



Between:

ANTIQUE LOGISTICS, A Sole Proprietorship Concern of Nali Sivaram Prasad Having Office At 16-23-3/3H, Pallamarajunagar, Road No 1. Kakinada, East Godavari, Andhra Pradesh, 53300, Represented by its Authorised Representative, Mr. U.Subrahmanya Sarma.

...Appellant/Plaintiff

AND

M.V. SMO VIKING, a vessel flying the Indian Flag, IMO NO. 9312119, along with all her hull, engines, gears, machinery, tackles, apparels and paraphernalia, presently lying in the Kakinada Deep Water Port, in the territorial water of India, within the Admiralty Jurisdiction of this Hon'ble Court.

...Respondent/Defendant

WHEREAS the Appellant above named through its Advocate M/s CKR Associates, presented this under Section 2(1)(c)(iii) of Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015, read with the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017, the High Court may be pleased (a) that for the reasons stated above and submissions made hereinabove, the Plaintiff prays for a Judgment and Decree in their favour and against the Defendant Vessel:

b) That the Defendant Vessel M.V. SMO VIKING, be ordered, directed and decreed to pay to the Plaintiff the sum of INR 64,22,730.79/- (Indian Rupees Sixty-Four Lakh Twenty-Two Thousand Seven Hundred Thirty and Paise Seventy-Nine Only) consisting of the outstanding principal claim amount

of INR 51,03,420/- (Indian Rupees Fifty-One Lakh Three Thousand Four Hundred Twenty Only) + INR 5,69,310.79/- (Indian Rupees Five Lakh Sixty-Nine Thousand Three Hundred Ten and Paise Seventy- Nine Only) statutory interest at the statutory rate of 17.25% p.a. from the due date of invoices till 30th November 2025 + legal costs of INR 7,50,000/- (Indian Rupees Seven Lakh Fifty Thousand Only) as per the Plaintiff's Particulars of Claim, Exhibit GGG hereto;

c) That the Defendant Vessel M.V. SMO VIKING together with her hull, engines, gears, machinery, tackles, apparels, and paraphernalia, at present at the Kakinada Deep Water Port, or wherever she is within the territorial waters of India, be arrested by a Warrant of Arrest of this Hon'ble Court and the same be condemned in respect of the Claim herein and be ordered to be sold along with her hull, engines, gears, machinery, tackles, apparels, and paraphernalia and the net sale proceeds thereof be ordered to be applied to the satisfaction of the Plaintiffs claim herein and the cost of this Suit

d) That pending the hearing and final disposal of this Suit, the Defendant Vessel, M.V. SMO VIKING, together with her hull, engines, gears, machinery, tackles, apparels, and paraphernalia at the Kakinada Deep Water Port, or wherever she is within the territorial waters of India, be arrested by a Warrant of Arrest of this Hon'ble Court;

e) That pending the hearing and final disposal of this Suit, the Defendant Vessel, M.V. SMO VIKING, together with her hull, engines, gears, machinery, tackles, apparels, and paraphernalia at the Kakinada Deep Water Port or wherever she is within the territorial waters of India, be ordered to be appraised and sold and the net Sale Proceeds thereof be ordered to be deposited in this Hon'ble Court to the credit of this Suit;

f) Pending hearing and final disposal to pass an Order for dispensation of pre-suit mediation under Section 12 A of the Commercial Courts Act, 2015;

g) That this Honble court be pleased to set aside the caveat lodged by the owners of the Defendant vessel;

h) For costs of this Suit;

IA NO: 1 OF 2025

Petition under Order 39 Rule 1 & 2 of C.P.C., praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to order, that pending the hearing and final disposal of the suit, the Defendant Vessel M.V. SMO VIKING (IMO NO. 9312119), together with her, hull, engines, gears, machinery, tackles, apparels, and paraphernalia and all other appurtenances at present lying at the port and harbour of Kakinada within the territorial waters of India, or wherever she is within the territorial waters of India, be arrested by a Warrant of Arrest of this Hon'ble Court, pending disposal of COMS 8 of 2025, on the file of the High Court.

The Commercial Suit coming on for hearing, upon perusing the Suit and the grounds filed in support thereof and upon hearing the arguments of M/s CKR Associates, Advocate for the Appellant and of Sri G.Rama Gopal, Advocate for the Respondent, the Court made the following

ORDER:

"Learned counsel for the plaintiff insisted this Court to order for arrest of the ship.

Learned counsel for the respondent sought time requested time till tomorrow for obtaining instructions in the matter.

Therefore, the respondent vessel M.V.SMO Viking (IMO NO.9312119) is directed not to leave the Kakinada Port till tomorrow.

Learned counsel for the respondent is directed to communicate the order of this Court to the respondent.

Post on 02.12.2025 at 2:15 P.M."

//TRUE COPY//

**SD/- V.SATYANARAYANA
JOINT REGISTRAR
SECTION OFFICER**

To,

1. The Registrar(Judicial), High Court of A.P., Amaravati. ✓
2. M.V. SMO VIKING, a vessel flying the Indian Flag, IMO NO. 9312119, along with all her hull, engines, gears, machinery, tackles, apparels and paraphernalia, presently lying in the Kakinada Deep Water Port, in the territorial water of India, within the Admiralty Jurisdiction of this Hon'ble Court.(by RPAD) ✓
3. The Section Officer, O.S.Section, High Court of A.P., Amaravati. ✓
4. One CC to M/s. CKR Associates, Advocate [OPUC] ✓
5. One CC to Sri G.Rama Gopal, Advocate [OPUC] ✓
6. One spare copy.

PSD

HIGH COURT

NV,J

DATE:01/12/2025

POST ON 02.12.2025 AT 2.15 P.M.

ORDER

COMS.No.8 of 2025

DIRECTION

