

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/ADMIRALTY SUIT NO. 17 of 2026**

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LAKSHITH DHANAPALA KANATHTHA KANKANAMALAGE DON & ORS.

Versus

MV ELVITA R (IMO NO. 9395264) & ORS.

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Appearance:

MR. SUKUMAR TIRTHANI with MS PRUTHA D BHAVSAR(12348) for the
Plaintiff(s) No. 1,10,11,12,13,14,15,2,3,4,5,6,7,8,9

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CORAM: HONOURABLE MR. JUSTICE NIRAL R. MEHTA

Date : 27/03/2026

ORAL ORDER

1. Heard Learned Advocate Mr. Sukumar Tirthani appearing with Advocate Ms. Prutah Bhavsar.
2. Mr Tirthani tenders a draft amendment, the same is allowed and to be carried out forthwith.
3. Learned Advocate Mr. Tirthani submitted that the Plaintiffs Plaintiffs i.e., fifteen (15) seafarers, comprising eleven (11) Indian nationals and four (4) foreign nationals were duly recruited, engaged under various employment agreements, and then deployed onboard the Defendant Vessel on 13.08.2025 & on 14.08.2025 following a crew change operation under the direction passed by this Hon'ble Court vide Order dated

05.08.2025.

4. Mr Tirthani further submits that the Plaintiffs are qualified seafarers who since the abovementioned order have been providing their services to the Defendant Vessel. The duration for which the Plaintiffs have provided their services to the Defendant Vessel is mentioned in Continuous Discharge Certificate, a seafarer identity document issued by statutory authorities for officially recording the duration of engagement on board a vessel.

5. Mr. Tirthani pointed out the table prouced in the plaint with paragraph 9 of the plaint and submitted that the Plaintiffs rendered continuous service onboard the Vessel from 13.08.2026 and 14.08.2025 onwards as evidenced in their respective CDC. Accordingly, the total wages owed to the Plaintiffs were USD 64,358.

6. Mr Tirthani further submitted that the Master of the Vessel Capt. K.K.Don.L.Dhanapala (SAT-C: 437402339) has on behalf of the Crew members, at all material times, diligently corresponded with the ISM Manager, Central Ship Management Company Limited, and the Owner, Elvita Ride Shipping Inc., apprising them of critical operational deficiencies and crew welfare concerns, including but not limited to non-payment of

wages, shortage of essential provisions, and unresolved mechanical defects. Mr Tirthani also indicated the correspondence to that effect.

7. Mr Tirthani submits that Plaintiffs have served on the Defendant Vessel without wages for five months, since October 2025. Despite not receiving salaries from October 2025 through February 2026, and the various hardships, the Plaintiffs have continued to perform all operational, navigational, and safety duties diligently.

8. Mr Tirthani further submits that despite multiple written reminders and formal communications addressed to the Owners and ISM Manager, no acknowledgement or remittance was made, constituting non-payment within the meaning of abandonment under International Maritime Standards.

9. Mr Tirthani also indicates that Application No. 3 of 2025 was preferred in the Admiralty Suit No. 24 of 2025, by the concerned Plaintiff namely Horizon Express Shipping Co. seeking sale of the Defendant Vessel through Public auction. Mr Tirthani submits that the Court was pleased to confirm M/s. Archean Chemical Industries Ltd., Tamil Nadu, Chennai, as the highest and successful bidder for a total bid of Rs. 81 Crores. Thereafter, vide Order dated 05.02.2026, this Hon'ble

Court concluded the auction proceedings and was further pleased to direct the successful bidder deposit the complete bid amount in the schedule mentioned in the order.

10. Mr Tirthani submits that due to non-payment of wages, the Defendant Vessel and with her Owner and Manager are jointly and severally liable to the Plaintiff for the value of the unpaid Crew Wages for the entire period since October 2025. Plaintiffs' claim for Crew Wages constitutes a Maritime lien under Section 9(1)(a) of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 to be paid in highest priority.

11. Upon hearing Mr. Sukumar Tirthani along with Learned Advocate Ms. Prutah Bhavsar for the Plaintiffs and upon perusing the averments/pleadings in the Plaint herein declared at Ahmedabad on 16.02.2026, filed by the Advocate for the Plaintiff herein and the affidavit in support thereof of Mr. Anurag Garg, constituted attorney of the Plaintiffs above named, upon the Plaintiff giving an undertaking in writing to the Registrar of this Court to pay such sums by way of damages as this Court may award as compensation in the event of the defendants sustaining prejudice by this order, I do order that the Registrar of this Court do issue a warrant for

the arrest of Defendant Vessel, MV ELVITA R (IMO No. 9395264) along with its hull, engines, gears, tackles, bunkers, machinery, apparel, plant, furniture, equipment's and all appurtenances, at present within the territorial waters within the Admiralty Jurisdiction of this Court and that the Warrant of Arrest be executed at any time of the day or night or on Sundays or holidays and I do further order that the Port Officer and the Customs Authorities at Dahej do effect the arrest, seizure or detention of Defendant Vessel, MV ELVITA R (IMO No. 9395264) at the Port of Bediw or such other place wherever she may be within the territorial waters of the jurisdiction of this Court and I do further order that in the event of the defendant and/or those interested in her depositing in this Court a total sum of INR 2,52,16,730, consisting of INR 2,43,51,458/- along with INR 3,65,272 towards interest accrued till the filing of the suit, and INR 5,00,000 towards legal costs, the said Warrant(s) of Arrest shall not be executed against Defendant Vessel, MV ELVITA R (IMO No. 9395264).

12. The Port Officer and the Customs Authorities at Bedi Port are directed to arrest the Defendant Vessel, MV ELVITA R (IMO No. 9395264) at present lying within the territorial waters of India and to keep the vessel under arrest until

further orders of this Court. It is further ordered that the Port Officer and the Customs Officer at Bedi Port shall render all assistance to the plaintiff or its representative in effecting the warrant of arrest on the Defendant Vessel.

13. The Registry is directed to send this order to Port and Customs at Bedi Port today itself through email at following addresses and the Authorities at Dahej Port shall act on an email copy of the order and take the Defendant Vessel under arrest.

- a) INBED1@icegate.gov.in ;
- b) raj.chandan67@gov.in ;
- c) mahesh.irs10@gov.in ;
- d) customokha@gmail.com ;
- e) chsikka2012@yahoo.com ;
- f) cusdiv-jmr@nic.in ;
- g) info.jamnagar@gmbports.in
- h) ops.jam@gmbports.in
- i) sikkavtms@gmail.com ;
- j) rozivtms@gmail.com ;
- k) chairman-gmb@gujarat.gov.in ;
- l) vc-gmb@gujarat.gov.in ;
- m) shankkesh.m@gov.in ;
- n) ccoahm-guj@nic.in ;

- o) ajay.kumar1964@gov.in ;
- p) cusjam@gmail.com ;
- q) ch-jamnagar@gov.in ;
- r) mrcc-west@indiancoastguard.nic.in ;
- s) jamnagarmmd@gmail.com ;
- t) rhq-west@indiancoastguard.nic.in ;

14. It is open for the Plaintiff's Advocate to communicate the above order by fax message/Email at their own cost and the authorities are directed to act on fax/Email message with an ordinary copy of this order.

15. Notice to Defendants returnable on 09.06.2026. The Plaintiff is permitted to serve the Defendant Vessel through her owner/charterer/manager/agent or any other person interested through email.

Direct Service Permitted today.

NIHAL PATEL

(NIRAL R. MEHTA,J)