

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/ADMIRALTY SUIT NO. 48 of 2026**

=====

UNITED FOODS

Versus

M.V. CMA MOMBASA (IMO 9367815) &amp; ANR.

=====

Appearance:

MR DAKSHESH MEHTA(2430) for the Defendant(s) No. 1

MR. RUSHANG D MEHTA(6989) for the Defendant(s) No. 1

MR SUKUMAR M TIRTHANI(12200) for the Plaintiff(s) No. 1

=====

**CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL****Date : 07/07/2026****ORAL ORDER**

1. Heard learned Advocate Mr. Sukumar Tirthani for the Plaintiff.
2. Learned Advocate Mr. Sukumar Tirthani has sought permission for urgent circulation of the matter as the Defendant Vessel is likely to leave the admiralty jurisdiction of this Court at any time and urgent orders are required to be obtained. Considering the urgency, the circulation was granted and the suit is taken up for hearing.
3. Learned Advocate Mr. Sukumar Tirthani submits the present suit is filed for security and adjudication of the Plaintiff's maritime claim arising due to the losses caused to the Plaintiff on account of misdelivery of cargo, that is, release of cargo without the production of the Original Bills of Lading and hence, it would amount to a maritime claim under Section 3 r/w Sections 4(1)(f) and 4(1)(g) of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017.
4. At this point, Mr Rushang D Mehta, Learned Advocate for the

caveator Defendant No. 1 tenders copy of email by one Ms. Ankita Sen, Senior Associate of Renata Partners, whereby the learned advocate has been instructed to submit that the owners of the vessel would furnish a security as per the usual procedure as regards the suit claim by Monday i.e. 13.07.2026 and whereas under such circumstances, it is requested that the arrest order may not be executed.

5. Learned Advocate Mr. Sukumar Tirthani submits upon instructions that the Plaintiff is willing to accept the undertaking being submitted on behalf of the Defendant Vessel to secure the claims of the Plaintiff till the deposit of actual security, the arrest order will not be executed .
6. Having Heard Mr. Sukumar Tirthani, Learned Advocate for the Plaintiff and Mr Rushang D Mehta, Learned Advocate for the caveator Defendant No. 1 and perused the Plaint herein signed at Ahmedabad on 4th July 2026, filed by the Advocate for the Plaintiff herein, and the Affidavit of Ms. Twinkal Soni, Authorised Signatory, declared on 4<sup>th</sup> July 2026. Considering the submissions and upon reading the Plaint along with the exhibits thereto, prima facie it appears that the claim in the Plaint is in the nature of a maritime claim as the Plaintiff's claim arises from misdelivery of the cargo. Upon the Plaintiff giving an undertaking in writing to pay such sums by way of damages as this Court may award as compensation in the event of the Defendant Vessel sustaining any prejudice by this order, I do order that the Registrar of this Court do issue a warrant for the arrest of the Defendant Vessel CMA CGM MOMBASA (IMO 9367815) along with her hull, engines, gears, tackles, bunkers,

machinery, apparel, plant, furniture, equipment and all appurtenances, at present lying at Mundra Port within the Indian territorial waters 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 Mundra Port do effect the arrest, seizure or detention of the Defendant Vessel, at present lying at Mundra Port within the Indian territorial waters or such other place wherever she may be within the territorial waters of India and whereas since the defendants have appeared through their learned advocate and have also submitted an email addressed to the learned advocate by the learned advocate, who is coordinating with the owners of the vessel i.e. the defendants herein that appropriate security to the tune of USD 19,320 inclusive of interest and costs till the filing of the Suit, the said Warrant of Arrest shall not be executed against the Defendant Vessel at present lying at Mundra Port within the Indian territorial waters.

7. Accordingly, this Court deems it fit to pass the following order:
  - (a) Issue Notice/Summons to the Defendants returnable on 28.07.2026. Learned Advocate Mr Rushang Mehta waives services for the Defendants. Written Statement, if any, is to be filed within 30 days of the service of the present notice and, in any event, with the leave of the Court, not later than 120 days from the date of service of the notice.
  - (b) Copy of the E-mail by one Ms. Ankita Sen, Principal Associate of Renata Partners, whereby the learned Advocate has been instructed to submit that security for the suit claim would be

furnished on behalf of the Owners of the Defendant Vessel by Friday, i.e., 10.07.2026, is taken on record.

- (c) The Defendants would ensure that security equivalent to the suit claim be furnished on or before 10.07.2026.
- (d) The Plaintiff is directed not to execute and/or serve or cause the execution and/or service of this order or any arrest warrant on the Defendant Vessel.
- (e) There would be no prohibition, restrain or bar on the sailing of the Defendant Vessel from the jurisdiction of this Court.
- (f) The security which would be furnished without prejudice to the rights, contention and defences of the parties and without submitting to the jurisdiction of this Court and without any admission whatsoever Defendant Vessel on or before 03.04.2026

8. It is clarified that since the execution of arrest is upon the request of learned advocate Mr. Mehta upon instructions from one Ms. Ankita Sen of M/s. Renata Partners, it is expected of the learned advocate and the instructing agent to ensure that the defendants abide by their commitment.

Y.N. VYAS

**(NIKHIL S. KARIEL,J)**