

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**ADMIRALITY SUIT NO. 26 of 2016**

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MEREDIS FINANCE LTD....Plaintiff(s)

Versus

M V KAMAL XL (IMO NO - 7431961) & 1....Defendant(s)

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Appearance:

MR. BHADRISH S RAJU, ADVOCATE for the Plaintiff(s) No. 1

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CORAM: **HONOURABLE MR.JUSTICE A.J. SHASTRI****Date : 13/05/2016****ORAL ORDER**

1. In view of the urgency having been shown by learned advocate after disposal of the MCA and recalling of order dated 12.5.2016, the regular Admiralty Suit No.26 of 2016 is taken up for hearing today. The suit is taken up for hearing for urgent interim orders as the Defendant Vessels is likely to sail away.

2. Upon hearing, Mr.Bhadrish S.Raju, learned advocate for the plaintiff and upon reading the plaint herein declared at Ahmedabad on 11.5.2016, filed by the advocate for the plaintiff herein and the affidavit of Mr.Satyanarayana Ketha, Constituted Attorney of the plaintiff abovenamed, affirmed on 11.5.2016, and upon hearing learned advocate for the plaintiff and 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 the defendant No.1 vessel, M.V. KAMAL XL (IMO NO.7431961) along with her hull, engines, gears, tackles, bunkers, machinery, apparel, plant, furnitures, equipments and all appurtenances, at present lying at the Port at KANDLA 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 KANDLA do effect the arrest, seizure or detention of the defendant Vessel M.V. KAMAL XL (IMO NO.7431961) at the Port of KANDLA or such other place wherever she may be within the territorial waters of India and I do further order that in the vent of the defendant, and/or those interested in the defendant vessel, depositing in this Court, unpaid amount of USD 2,352,454.22 (United States Dollars Two Million Three hundred and Fifty Two Thousand Four Hundred and fifty four dollars and Twenty Two Cents) as on 15.11.2015, the said Warrant of Arrest shall not be executed against the defendant Vessel M.V. KAMAL XL (IMO NO.7431961).

3. The Port Officer and the Customs Authorities at KANDLA are directed to arrest the vessel M.V.KAMAL XL (IMO NO.7431961) at present lying at Port of KANDLA 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 KANDLA shall render all assistance to the Plaintiff or its representative in effecting the warrant of arrest on the vessel M.V. KAMAL XL (IMO NO.7431961) and also render all assistance to the plaintiff herein or any other authorized

agency or other authority to take the possession of the defendant No.1 vessel, M.V. KAMAL XL, with immediate effect.

4. It is open for the plaintiff's advocate to communicate the above order by fax message/ e-mail at their own cost and the authorities concerned are directed to act on fax/ e-mail message.

5. The undertaking filed by Mr.Satyanarayana Ketha, Constituted Attorney of the plaintiff is taken on record.

6. Notice to the Defendant returnable on 7.6.2016. It is made clear that it will be open for the defendants to approach this Court even prior to the returnable date with adequate notice to the plaintiff.

7. Office is directed to serve the warrant of arrest on the Master of the Vessel M.V.KAMAL XL (IMO NO.7431961) or through the agent of the vessel and send a copy thereof to the Port and Customs Authorities at KANDLA.

(A.J. SHASTRI, J.)

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