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A No. 4911 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-10-2025

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

A No. 4911 of 2025

in

C.S(COMM DIV) NO. 259 OF 2025

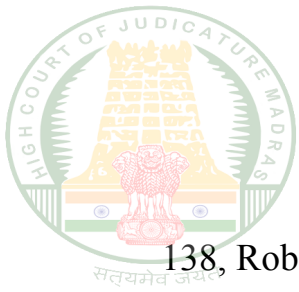
1. MR AKSHAYA GYANCHAND
KATARIYA Sole Proprietor of
S.S.International (India))
M 38 Income Tax Colony Tonk Road
Durgapura Jaipur 302018 Rajasthan
India

Applicant(s)

Vs

1. Owners and parties interested in the
vessel MV GOLDEN MAPLE IMO
9557214
Flying a Korean Flag, Her Hull, Gear,
Engines, Tackle, Bunkers, Machinery,
Plant, Apparel, Furniture, Fixtures and
All Appurtenances at Present, Lying at
the Porttand Harhour of
V.O.Chidambaranar Port Trust,
Tuticorin.

2.Bulk Asia Pte Ltd



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138, Robinson RD 21, Oxley Tower,
Singapore 068906.

3.Nila Logistics
5/582/26, Nethaji Nagar, Muthammal
Colony, Thoothukudi, Tamil Nadu 628
002.

Respondent(s)

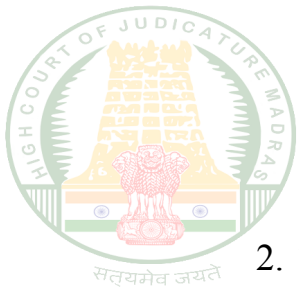
PRAYER: To grant warrant arrest and sale the 1st Defendant Vessel, M.V.Golden Maple, (IMO 9557214) along with her hull, gear, engines, tackle, bunkers, machinery, plant, apparel, fixtures, equipment and all appurtenances and presently lying at the port of V.O.Chidambaranar Port Trust, Tuticorin be arrested, detained, condemned and sold under orders and directions of this Honble Court and the sale proceeds thereof be applied towards the satisfaction of the Applicants claim in the suit.

For Applicant(s): Mr.Anand K M

For Respondent: Mr.Harinarayanan for R1
Mr.Pushpakumar for R3

ORDER

The learned counsel for the first defendant made a mention before this Court on 08.10.2025 stating that an order of arrest of the vessel M.V.Golden Maple was obtained by the plaintiff by making misrepresentation before this Court. Therefore, the matter was listed on 09.10.2025.



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2. The plaintiff is a merchant exporter and is a government recognised star export house dealing in construction materials and stones, the plaintiff is involved in export of deformed steel bars, cement, and washed M-sand etc.

3. According to the plaintiff, the 1st defendant is the owners and parties interested in the vessel M.V.Golden Maple (IMO - 9557214) which is a Bulk carrier, flying a Korean Flag. The said vessel is presently lying at the port and harbour of V.O. Chidambaranar Port Trust, Tuticorin and the same is within the Admiralty Jurisdiction of this Court. The 1st defendant vessel is managed by the 2nd defendant, which is a company incorporated under the laws of Singapore. The 3rd defendant is a limited liability partnership within the laws of India. According to the plaintiff, the plaintiff has entrusted substantial quantities of cargo to the 3rd defendant.

4. As per paragraph 8 of the plaint, owing to some disputes between the the 2nd and 3rd defendant, 261 metric tons of cargo which is valued at USD 57,506.00 was not delivered and significantly damaged. The suit is filed for a direction to the defendants to pay a USD 63,337.60 to the plaintiff and the



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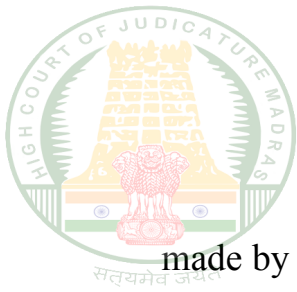
plaintiff has also sought for arrest and sale of 1st defendant vessel M.V. Golden

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Maple.

5. According to the plaintiff, the undelivered cargo was thereafter re-imported to Tuticorin by the defendants who discharged the same into an unsheltered open plot without issuing a delivery order which resulted in significant damage and deterioration of the cargo.

6. An application was filed by the plaintiff in Appl. No.4911/2025 seeking grant of warrant of arrest and sale of 1st defendant vessel. In the said application, the plaintiff has stated that the plaintiff is entitled to move against the 1st defendant's vessel in view of the fact that the 1st defendant's vessel is under demise charter to the 2nd defendant. On the above ground, the plaintiff sought for arrest of the 1st defendant's vessel. As the 1st defendant vessel is presently lying at the port and harbour of Tuticourin, the plaintiff had come before this Court with the above application for arrest of 1st defendant's vessel.

7. This Court, by order dated 06.10.2025 issued a warrant for arrest of the 1st defendant's vessel and the said vessel was arrested as per the submission



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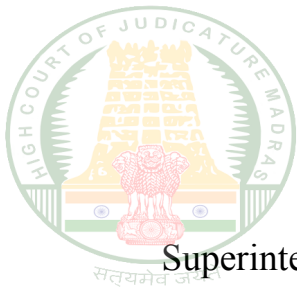
made by the defendants.

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8. As stated above, the learned counsel for the first defendant made a mention before this Court stating that the order of arrest of vessel was obtained by the plaintiff by making misrepresentation before this Court.

9. The 3rd defendant has filed a counter affidavit dated 08.10.2025 in the above application and contended that the vessel which was arrested pursuant to the order of this Court dated 06.10.2025 is not the sister vessel of the vessel namely, M.V.Khadeeja which allegedly contributed to the damages of the plaintiff's cargo which resulted in the loss claimed by the plaintiff. The 3rd defendant contended that the issues raised in the plaint are pertaining to the vessel M.V. Khadeeja. The 3rd defendant further contended that neither the ISM Manager, Ship manager, registered owner are common between the 1st defendant's vessel and the said vessel, viz., M V Khadeeja.

10. The learned counsel for the 3rd defendant relied upon Doc. Nos.8, 9 and 10 in the typed set of papers filed by the 3rd defendant on 08.10.2025. Doc. No.8 is the application dated 30.04.2025 made by the 3rd defendant to the



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Superintendent of Customs, Custom House, Tuticorin which clearly shows the name of the vessel as MV Khadeeja Voy 002A2025. Relying upon the said application, the 3rd defendant contended that the said vessel namely MV Khadeeja is the vessel used by the 2nd and 3rd defendants to re-import the cargo of the plaintiff which is under dispute.

11. It is to be noted that the other documents relied upon by the 3rd defendant are the tax invoices issued in the name of the 3rd defendant which clearly shows that the 2nd defendant and the 3rd defendant had made arrangements to re-import the plaintiff's cargo through the vessel MV Khadeeja. In the said tax invoices the port of loading is mentioned as Maldives and the city of discharge is mentioned as Tuticorin.

12. On the above grounds, the defendants contended that the 1st defendant's vessel is arrested based on the misrepresentation by the plaintiff.

13. Interestingly, the plaintiff has not made any averments pertaining to the 1st defendant's vessel M.V. Golden Maple in the plaint and the application. That apart, the 3rd defendant has produced documents, which supports his



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contention that the 1st defendant's vessel is no way connected to the dispute between the plaintiff and the 2nd and 3rd defendants. The plaintiff has not produced even a single document to show the involvement of the 1st defendant's vessel in the dispute and the plaintiff has not established his entitlement to seek arrest of the 1st defendant's vessel.

14. In view of the same, the order of arrest of the vessel M.V. Golden Maple passed by this Court on 06.10.2025 in the above application is hereby recalled.

15. List the application on 27.11.2025.

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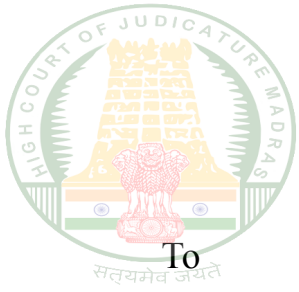
Asr

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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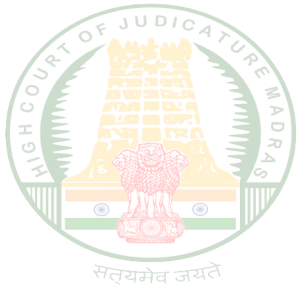
To

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1. Owners and parties interested in the vessel MV GOLDEN MAPLE IMO 9557214 Flying a Korean Flag, Her Hull, Gear, Engines, Tackle, Bunkers, Machinery, Plant, Apparel, Furniture, Fixtures and All Appurtenances at Present, Lying at the Porttand Harhour of V.O.Chidambaranar Port Trust, Tuticorin.

2. Bulk Asia Pte Ltd
138, Robinson RD 21, Oxley Tower,
Singapore 068906.

3. Nila Logistics
5/582/26, Nethaji Nagar, Muthammal Colony,
Thoothukudi, Tamil Nadu 628 002.



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N.SENTHILKUMAR, J.

Asr

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AND C.S(COMM DIV)
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