



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-11-2025

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THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

A No. 4911 of 2025
in C.S.(Comm.Div)No.259 of 2025

MR AKSHAYA GYANCHAND KATARIYA
Sole Proprietor of S.S.International (India),
Represented by its Power of Attorney Holder,
Mr.Lalit Prasad Sharma, Having its Office at
M-38, Income Tax Colony, Tonk Road,
Durgapura, Jaipur – 302018, Rajasthan, India.

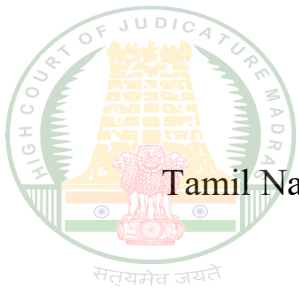
..Applicant/Plaintiff

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 Portand Harbour 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 62800.



..Respondents/Defendants

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Prayer : To grant warrant of arrest and sale the first 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 Hon'ble Court and the sale proceeds thereof be applied towards the satisfaction of the Applicant's claim in the suit.

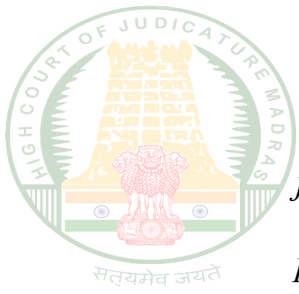
For Applicant: Mr.U.Janarthana

For Respondents: Mr.Pushpakumar for R3

ORDER

Learned Counsel for the third respondent/third defendant submits that, pursuant to the order passed by the Bombay High Court reported in **2017 SCC Online Bom 6603** in the case of **Siva Bulk Limited v. M.V. Aodabao and another**, particularly in paragraph 17, it was held as follows:

“17. It is necessary to consider the nature of an action in rem. In order for plaintiff to show that the Court has



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jurisdiction to pass an order of arrest in an action in rem, plaintiff has to demonstrate the following:

(a) That defendant vessel, which is sought to be arrested, is within jurisdiction.

(b) That plaintiff has a maritime claim and for this purpose plaintiff has to show that its claim falls under one or more of the maritime claims set out in Article 1(1) of the Arrest Convention, 1999.

(c) Plaintiff has to show that the person who owned the ship at the time when the maritime claim arose is liable for the claim and is owner of the ship when the arrest is effected. In the event, the maritime claim is also a maritime lien then there is no need to show personal liability of the owner as a maritime lien attaches to the vessel (res) irrespective of who the owner is.

(d) Alternatively, plaintiff has to show that the vessel sought to be arrested is a sister ship of the vessel in respect of which the maritime claim arose, i.e., the owner of the two vessels is one and the same. ”



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2. Once the *ex parte* order of arrest of the vessel is recalled, the entire claim comes to an end. However, learned counsel for the third defendant contends that since the vessel has left the jurisdiction of this Court and has sailed beyond the territory of India, nothing further survives in the suit for adjudication.

3. Learned counsel for the applicant/plaintiff submits that he has filed two applications, which are presently pending scrutiny.

4. List the matter on 06.01.2026.

27-11-2025

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N.SENTHILKUMAR,J.

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