



IN THE HIGH COURT OF ORISSA AT CUTTACK
ADMLS No.6 of 2025

**BIDV Insurance Company,
Cuttack**

....

Plaintiff
Mr. S.J. Biswal,
Advocate

-versus-

**Owners and Parties
Interested in MV World
Virtue and Another**

....

Defendants
Mr. S.S. Mohanty,
Advocate Defendant No.1
Mr. P.K. Nanda, Advocate
for Defendant No.2

**COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
04.12.2025**

Order No

01. 1. This matter is taken up through Hybrid Mode.

2. Heard Mr. S.J. Biswal, learned counsel appearing for the Plaintiff, Mr. P.K. Nanda, learned counsel who has instruction to appear on behalf of Defendant No.2 and Mr. S.S. Mohanty, learned counsel who has entered through caveat for Defendant No.1.

3. The present suit has been filed by the plaintiff with a prayer to pass an order and decree for a sum of USD 24,733.93 along with interest and litigation cost of Rs.5 lakhs against defendant No.1.

3.1. It is contended that the suit has been filed claiming passing of an order and decree in favour of the



plaintiff against defendant No.1 because of short fall of quantity of the bulk goods transported aboard the defendant Vessel. It is further contended that even though the bulk goods were transported by Vessel MV WORLD DIANA, but present defendant Vessel having belong to the company BW DRY CARGO PTE LTD., as reflected under Annexure-I, suit is required to be admitted.

3.2. This Court taking into account the pleadings available, is of the view that the bulk goods were transported by Vessel MV WORLD DIANA as found from Annexure-B series. Even though the company BW DRY CARGO PTE LTD., is the registered owner of the Vessel MV WORLD DIANA as well as defendant Vessel MV WORLD VIRTUE as found from Annexure-I, this Court is of the view that the company BW DRY CARGO PTE LTD., is a necessary party to the proceeding.

4. Learned counsel for the Plaintiff taking into account such view of this Court, contended that the matter be listed tomorrow (05.12.2025) so that necessary application will be filed by impleading the company as a defendant to the suit.

5. As requested, list this matter tomorrow (05.12.2025).

6. However, considering the urgency involved, learned counsel for the plaintiff contended that



appropriate order be passed in the Interim Application in I.A. No.31 of 2025.

(Biraja Prasanna Satapathy)
Judge

02. I.A. No.31 of 2025

1. Heard.
2. This is an application filed under Section 151 of the CPC read with Section 5 of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 with a prayer to arrest the defendant Vessel MV WORLD VIRTUE till disposal of the suit.
3. It is contended that the defendant Vessel is liable to pay a sum of USD 24,733.93 which stands at Rs.22,24,312.98 in Indian Rupees. The defendant No.1 is also liable to pay interest @ 12% and litigation cost of Rs.5 lakhs.
4. Placing reliance on the provisions contained under Section-5(2) of the Act, learned counsel for the plaintiff contended that order of arrest be passed against the defendant Vessel MV WORLD VIRTUE as the said Vessel has arrived at Paradip Port on 03.12.2025.
5. This Court considering the submission, when was inclined to grant an interim relief directing the defendant No.2 to arrest the Vessel MV WORLD VIRTUE, Mr. S.S. Mohanty, learned counsel appearing



through Caveat on behalf of Defendant No.1, contended that in terms of the provisions contained under Rule-30 of the Orissa High Court Admiralty (Jurisdiction and Settlement of Maritime Claims) Rules, 2020, defendant No.1 is ready and willing to furnish a demand draft of the principal amount as mentioned in Prayer-1 of the plaint to the tune of Rs.22,39,612/- in Indian Rupees, within a period of 3 (three) working days hence, payable in the name of Registrar Judicial, Orissa High Court, Cuttack.

5.1. Learned counsel further contended that defendant No.1 is also ready and willing to furnish the demand draft towards interest as deem fit and proper by this Court.

6. Learned counsel appearing for the Plaintiff also contended that if defendant No.1 is ready and willing to furnish the demand draft for the principal amount to the tune of Rs.22,39,612/- and such further amount towards interest as deem fit and proper by this Court, the plaintiff has no objection to the same.

7. Having heard learned counsel for the parties and considering the submissions made, this Court taking recourse to the provisions contained under Rule-30 of the 2020 Rules, directs defendant No.1 to furnish a demand draft drawn in favour of Registrar Judicial, Orissa High Court, Cuttack to the tune of



Rs.22,39,612/- along with a sum of Rs.2,50,000/- towards interest by 08.12.2025.

7.1. However, till 08.12.2025, defendant No.2 is directed not to allow the defendant Vessel MV WORLD VIRTUE to leave the port. Registry is also directed to deposit the amount to be deposited by the Defendant No.1 in a fixed deposit for a period of 6(six) months with clause for renewal.

8. I.A. stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Basudev

Signature Not Verified

Digitally Signed
Signed by: BASUDEV SWAIN
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 04-Dec-2025 18:48:59

