

The Admiralty Rules of the Orissa High Court, 1981

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Rule

THE-ADMIRALTY-RULES-OF-THE-ORISSA-HIGH-COURT-1981 of 1981

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The Admiralty Rules of the Orissa High Court, 1981Published vide Notification No. Orissa Gazette Extraordinary, No. 44/1981In exercise of the powers conferred on the High Court of Orissa by virtue of the provisions of Articles 4 and 6 of the Orissa High Court Order, 1948, Clauses 24 and 29 of the Letters Patent, dated 9.2.1916, constituting the High Court of Judicature at Patna, read with Section 7 of the Colonial Courts of Admiralty Act, 1890 (53 and 64 Vict., c.27), and Articles 225 and 372 (1) of the Constitution of India, the High Court of Orissa hereby makes the following rules tot regulating the procedure and practice in cases brought before it under the Colonial Courts of Admiralty Act, 1890.

1. Short title and commencement.

(a)These rules may be called the Admiralty Rules of Orissa High Court, 1981.(b)They shall come into force on the date of their publication in the Orissa Gazette.

2. Meaning of certain terms used in these rules.

- In the construction of these rules, the following terms shall (if not inconsistent with the context of the subject-matter) have the respective meanings hereinafter assigned to them; that is to say-"The Court" shall mean the High Court of Orissa."Judge" shall mean a Judge of the said Court."Registrar" shall mean the Registrar of the said Court or other officer authorised to perform the duties of such Registrar by the Chief Justice."Registry" shall mean the office of the Registrar."Marshal" shall mean the Marshal or his substitute or substitute or other officer who may be appointed by the Chief Justice to execute the process of the Court in exercise of its admiralty jurisdiction."Suit" shall mean any suit, action or other proceeding instituted in the Court in its admiralty jurisdiction."Action in rem" or "suit in rem" shall mean an admiralty action in rem."Caveat against arrest" shall mean a

caveat entered in the Caveat Warrant Book under Rule 27. "Caveat against payments" shall mean a caveat entered in the Caveat Payment Book under Rule 31. "Caveat against release" shall mean caveat entered in the Caveat Release Book under Rule 28.

3. Institution of the suit.

- A suit shall be instituted by a plaint drawn-up, subscribed and verified according to the provisions of the Code of Civil Procedure, 1908. Save that if the suit is in rem, the defendant may (subject to such variations as the circumstances may require) be described as "the owners and parties interested" in the vessel or other properties proceeded against instead of by name. A plaint shall be presented to the Registrar, either in person duly identified by an Advocate or through an Advocate in whose favour the plaintiff has executed a Vakalatnama.

4. Arrest of warrant after affidavit.

- In suit In rem, a warrant for the arrest of property may be issued at the instance either of the plaintiff or of the defendant at any time after the suit has been instituted, but no warrant of arrest shall be issued until an affidavit by the party or his agent has been filed and the following provisions complied with : (a) The affidavit shall state the name and description of the party at whose instance the warrant is to be issued, the nature of the claim or counter-claim, the name and nature of the property to be arrested, and that the claim or counter claim has not been satisfied. (b) In a suit of wages or of possession, the affidavit shall state the national character of the vessel proceeded against; and if against a foreign vessel, that notice of the institution of the suit has been sent by registered post to the nearest consul or diplomatic representative in India of the State to which the vessel belongs and a copy of the notice shall be annexed to the affidavit. (c) In a suit of bottomry, the bottomry, the bottomry bond, and if it is in a foreign language, along with a translation thereof, shall be produced for the inspection and perusal of the Registrar and a copy of the bond or of the translation thereof certified to be correct, shall be annexed to the affidavit. (d) In a suit of distribution of Salvage, the affidavit shall state the amount of Salvage money awarded or agreed to be accepted, and the name, address and description of the party, holding the same.

5. Warrant may be issued before affidavit by leave.

- The Court may in its discretion allow the warrant to issue, although the affidavit in Rule 4 mentioned may not contain all the required particulars and the Court may also waive, in a suit of wages, the requirement as to service of the notice, and in a suit of bottomry, the production of the bond.

6. Suits in rem when service not required.

- In suits in rem, no service of writ of summons or warrant shall be required when the defendant or his Advocate waives service and undertakes in writing to appear and to give security or to pay money into Court in lieu of security.

7.

The defendant and his Advocate not entering appearance or giving security or paying money into the Court in lieu of security in a suit in rem, in pursuance of his written undertaking so to do shall render the ship liable to attachment.

8. Service by whom made.

- Every writ, warrant and process shall be served by the Marshal or his substitute. Every warrant shall be returned to the Registrar within seven days from the date thereof.

9. Service how effected.

- In suits in rem, service of summons or warrant against ship, freight or cargo on board, is to be effected by nailing or affixing the original writ or warrant for a short time on the main mast or on the single mast of the vessel or on any conspicuous part of the vessel and by taking off the process, leaving a true copy of it nailed or affixed in its place.

10. Service how effected on cargo landed.

- If the cargo has been landed or transhipped, service of the writ or warrant to arrest the cargo and freight shall be effected by placing the writ of summons or warrant for a short time in the cargo and on taking off the process by leaving a true copy upon it.

11. Service on cargo in custody of third party.

- If the cargo be in the custody of a person who does not permit access to it, service of the writ or warrant may be made upon the custodian.

12. Marshal may apply for direction.

- The Marshal may at any time make a report to Court and apply for directions with respect to property under arrest in a suit. The Court may direct notice of the application to be given to any person concerned with the property before passing orders on the report.

13. Application for sale of arrested property.

- In suit in rem, if the property proceeded against has been arrested, the plaintiff may, at any time alter service of the writ of summons upon the defendant or after the defendant's appearance, whichever is earlier, apply to the Court by notice of Motion for an order that the arrested property be sold by the Marshal and the sale proceeds be paid into the Registry. The Court may make such order on the claim as it thinks fit.

14. Intervenor.

(1) Where property against which a suit in rem, is brought is under arrest or money representing the proceeds of sale of that property is in Court, a person who has interest in that property or money but who is not a defendant to the suit may, with the leave of the Court, intervene in the suit. (2) An application for the grant of leave under this rule may be made ex-parte by affidavit showing the interest of the applicant in the property against which the suit is brought or in the money in the Court. (3) A person to whom leave is granted to intervene in a suit shall file an appearance in person or a Vakalatnama therein within the period specified in the order granting leave. On filing such appearance or Vakalatnama, the intervener shall be treated as if he were a defendant in the suit. (4) The Court may order that a person to whom it grants leave to intervene in a suit shall, within such period as may be specified in the order serve on every other party to the suit such pleading as may be specified.

15. Suits in rem by default.

- After the expiration of 15 days from the date of warrant, if no appearance shall have been entered in the suit the Advocate for plaintiff may cause the suit to be set down for hearing.

16. if, when the suit comes before the Court, it is satisfied that the plaintiff's claim is well.

- founded, it may pass a decree for the plaintiff and may order the property proceeded against to be sold with or without previous notice and the sale proceeds paid into the Registry to the credit of the suit or make such other order in the premises as it may think just.

17. Order for sale of property and determination of priority of claims.

(1) Where in a suit in rem, the Court has ordered the property proceeded against to be sold any party who has obtained or obtains a decree or order against the said property or the proceeds of sale thereof may apply to the Court by Notice of Motion for an order determining the order of priority of the claims against the proceeds of sale of the said property-(a) in a case where the order for sale contains the further order referred to in Sub-rule (2) after the expiration of the period specified in the order under Sub-rule (2) (a); or (b) in any other case, after obtaining judgement. (2) Where in a suit in rem, the Court orders the property proceeded against to be sold, it may further order-(a) that the order of priority of the claims against the proceeds of sale of the property shall not be determined until after the expiration of ninety days or of such other period as the Court may specify, beginning with the day on which the proceeds of sale are paid in Court; (b) that any party to the suit or to any other suit in rem, against the property proceeded against or the sale proceeds thereof may apply to the Court to extend the period specified in the order; (c) that within seven days after the date of payment into Court of the proceeds of sale, the Marshal shall send for publication in such newspapers as the Court may direct a notice complying with the provisions of Sub-rule (3). (3) The notice referred to in Sub-rule (2) shall state : (a) that the property (particulars to be specified) has

been sold by the order of the High Court in a suit in rem giving the number of the suit and the names of the parties to the suit ;(b)that the gross proceeds of the sale specifying the amount thereof, have been paid into Court;(c)that the order of priority of the claims against the, said proceeds will not be determined until after the expiration of the period (specifying it) specified in the order for sale ;(d)that any person having a claim against the property or the proceeds of sale thereof, shall apply to the Court for leave to intervene and prove his claim before the Court and obtain a decree before the expiration of that period.(4)The Marshal shall lodge in the Registry a copy of each newspaper in which the notice referred to in Sub-rule (2) has appeared.(5)The expenses incurred by the Marshal in complying with an order of the Court under this rule shall be included in his expenses relating to the sale of the property.(6)An application to extend the period referred to in Sub-rule (2) (a), shall be made by Notice of Motion which shall be served on the parties to the suit and all persons who have obtained leave, to intervene in the suit.(7)Subject to the aforesaid provisions in this rule, every sale under the decree or order of the Court shall unless the Court shall otherwise order be made by the Marshal in like manner as a sale of movable property in execution of decree in an ordinary civil suit.

18. Procedure by Marshal on sale of property.

(1)The Marshal shall pay into the Court the gross proceeds of sale of any property sold by him and shall at the same time, bring into the Registry the account of sale, with voucher in support thereof, for the taxation of costs and expenses of sale.(2)Any person interested in the proceeds may be heard before the Registrar on the taxation of the account of expenses and the Registrar's order thereon shall be final.

19. Payment of money.

- All money paid into Court shall be paid to the Registrar.

20. Payment out of Court.

- Money paid into Court shall not be paid out of Court except in pursuance of an order of the Court.

21. Security for latent demands.

- Security for latent demands shall not, unless the Court shall otherwise order, be required on the payment of money out of Court.

22. Security.

- Where security is to be given in the Registry, it shall be given according to the rules and practice of the Court as to security in the case of, an attachment before judgement in an ordinary civil suit.

23. Motions and applications.

- Motions and applications may be made into the Court to the Bench to which admiralty matters have been assigned under Rule 44 and in its absence, to the Chief Justice.

24. Entry of appearance.

- An Advocate desiring to enter an appearance in any suit shall file in the Registry a praecipe, a copy of which shall have been previously served on the Advocate for the adverse party.

25. Contents of the praecipe.

- The praecipe referred to in Sub-rule (24) shall contain the name of the Advocate and an address in Cuttack at which it shall be sufficient to leave all instruments and documents in the suit.

26. Release.

- Property arrested by warrant shall only be released under the authority of an instrument issued by the Registrar to be called a "Release".

27. Caveat against arrest of property.

(1) Any person desiring to prevent the arrest of any property shall file in the Registry a praecipe, signed by himself or his Advocate, who may be acting for him requesting that a caveat be entered against the arrest of the said property and undertaking to enter an appearance in person or by a Vakalatnama in any suit that may be instituted against the said property and to give security in such suit in a sum not exceeding the amount to be stated in the praecipe or to pay such sum into the Registry. A caveat against the issue of a warrant for the arrest of the said property shall thereupon be entered in a book to be kept in the Registry, called the "Caveat Warrant Book". (2) Copy of plaint in suit against property to be served before filing plaint on the caveator-Any person instituting a suit against any property in respect of which a caveat has been entered in the "Caveat Warrant Book" shall, before filing the plaint, serve a copy thereof upon the party on whose behalf the caveat has been entered or upon his Advocate and annex to the plaint a statement of such service. (3) Caveator to give security on filing of plaint-Within three days from the filing of the plaint, the party on whose behalf the caveat has been entered shall, if the sum in which the suit has been instituted does not exceed the amount for which he has given the undertaking, give security in such sum or pay the same into the Registry, or if exceeds that amount, give security in the sum in which the suit has been instituted or pay the same into the Registry. (4) On default, suit may proceed ex parte-After the expiration of three days from the filing of the plaint, if the party on whose behalf "a caveat has been entered shall not have given security in such sum or paid the same into the Registry, the plaintiff may apply to the Registrar to set down the suit forthwith for hearing as an undefended, suit :Provided that the Court may on good cause shown and on such terms as to payment of costs as it may impose, extend the time for giving security or paying the money into the Registry. (5) Judgement

on the claim and enforcement of Judgement on the claim payment-When the suit comes before the Court, if the Court is satisfied that the claim is well founded it may pronounce Judgement for the amount which appears to be due, and may enforce the payment thereof by order of attachment against the party on whose behalf the caveat has been entered, and by the arrest of the property if it then be or thereafter comes within the jurisdiction of the Court.(6)Registrar to search for caveat before issue of warrant-Before issuing a warrant for the arrest of property, the Registrar shall ascertain, whether or not any caveat has been entered against the issue of warrant of arrest thereof.

28. Caveat against release of arrest of property.

- Any person desiring to prevent the release of any property under arrest shall file, in the Registry a praecipe, signed by himself or his Advocate, who may be acting for him requesting that a caveat be entered against the release of the said property which shall thereupon be entered in a book to be kept in the Registry called the "Caveat Release Book".

29. Property not to be released unless notice is given to caveator.

- No property arrested under a warrant shall be ordered to be released, unless notice is given to the person who has filed caveat against release thereof and whose caveat is outstanding on the "Caveat Release Book".

30. Penalty for delaying release.

- A party delaying the release of any property by the entry of caveat shall be liable to be condemned in costs and damages, unless he shall show to the satisfaction of the Court, good and sufficient reason for having entered the caveat.

31. Caveat against payment out of sale proceeds of property.

- Any person desiring to prevent the payment out of Court of any money in Court representing the proceeds of sale of any property shall file in the Registry a praecipe, signed by himself or his Advocate who may be acting for him, requesting that a caveat be entered against payment out of Court of the said proceeds of sale. A caveat against the payment out of Court of such sale proceeds shall thereupon be entered in a book to be kept in the Registry called the "Caveat Payment Book."

32. Duration of caveat.

- A caveat, whether against the issue of a warrant, the release of property, or the payment of money, out of the Registry shall be valid for six months from the day of the date thereof. The period of validity of a caveat shall not be extended, but this provision shall not be taken as preventing the entry of successive caveats.

33. Withdrawal of caveat.

- A caveat may be withdrawn by the party on whose behalf it has been entered or by his Advocate ; but the praecipe to lead withdrawal thereof shall, save by permission of the Registrar, be signed, by the person who signed the praecipe to lead the entry of the caveat.

34. Application 'to overrule a caveat.

- A caveat may be overruled on an application made to the Court duly supported by an affidavit.

35. Release of property arrested.

- Subject to the provisions of Rules 29 and 39 property arrested under a warrant may be ordered to be released-(1)at the request of the plaintiff by a praecipe, before an appearance In person or by Vakalatnama is filed by the defendant; or(2)on the defendant paying into Court the amount claimed in the suit; or(3)on the defendant giving such security for the amount claimed in the suit as the Court may direct; or(4)on any other ground that the Court may deem just.

36. Release by Marshal on lodging precipes with release.

- The release when obtained shall be lodged with praecipe in the office of the Marshal by the party obtaining the same who shall also at the same time pay all the costs, charges and expenses attending the care and custody of the property while under arrest. The Marshal shall thereupon release the property.

37. Property may be arrested notwithstanding caveat.

- The fact that there is a caveat against arrest in force shall not prevent a party from setting a warrant of arrest issued and the property, to which the caveat relates arrested.

38. Remedy where property protected by caveat is arrested without good and sufficient cause.

- Where property with respect to which a caveat against arrest is in force is arrested in pursuance of a warrant of arrest the party at whose instance the caveat was entered may apply to the Court by Notice of Motion for an order for release of the property. The Court, unless it is satisfied that the party procuring the arrest of the property had good and sufficient reason for doing so, may order the release of the property and may also order the last mentioned party to pay to the applicant damages in respect of the lose suffered by the applicant as a result of the arrest.

39. Value of property under arrest in salvage suit to be determined before release.

- In a suit of salvage, the value of the property under arrest shall be agreed to or proved by affidavit to the satisfaction of the Court before the property is released .

40. Precipes, writs of summons, warrants, etc.

- Forms of precipes required to be filed in the Registry or Marshal's Office and forms of writs of summons and warrants may be obtained on applications in the Registry. They shall as nearly as may be in the forms set forth in the Appendix to these Rules and may be varied or altered by a Court in its discretion.

41. Signature to Precipe.

- Every precipe shall be signed either by the party or by his Advocate.

42. Improperly filled up precipe.

- If the precipe be not properly filled up, the Registrar or the Marshal, as the case may be, may refuse to receive the same or to act thereon.

43. Where other provision not made, rules and prescipe of ordinary original civil jurisdiction of Orissa High Court to apply.

- Where no other provision is made by these rules proceedings in suits brought in the Court in exercise of its admiralty jurisdiction, shall be; regulated by the a rules and practice of the High Court of Orissa exercise of its writ jurisdiction.

44. Admiralty Bench.

- Subject to the provision of Chapter 111, Rule 12 of the Rules of the Orissa High Court, 1948 admiralty jurisdiction of the Court may be exercised by a Division Court consisting of two Judges designated as Admiralty Bench, who shall hear and dispose of the same, and shall also deal with all interlocutory applications and motions in connection therewith.

45. Fees.

- The fees of the Courts in respect of claims under the Act shall be those as set out in Section 7 read with Schedule I of the Court-fees Act, 1870, as amended from time to time and the fees of Advocates shall be at the rates obtained under the original jurisdiction of the Court relating to writ application. The fees to be taken by the Marshal shall be those set forth in the Schedule hereto.Assessor in suits

of Salvage, Towage or Collision

46. Registrar to frame list of assessors.

- The Registrar shall, from time to time, frame a list, to be approved by the Chief Justice without whose approval it shall have no validity, of persons of nautical skill and experience residing or having places of business within the jurisdiction of the High Court, to act as assessors in any admiralty suit of salvage, towage or collision, under the provisions of Section 140 of the Code of Civil Procedure and shall cause the list to be published in the Orissa Gazette.

47. Persons named in the list liable to be summoned.

- Any person named in the list may be summoned to act as assessors in any such suit as aforesaid.

48. Amount of assessor fees.

- Every person who shall so act as an assessor shall be entitled to a fee of Rs. 100 (one hundred) only for each day's attendance.

49. Application to summon assessors.

- Either party in any such suit as aforesaid may apply that it may be heard with the assistance of the assessors. Unless otherwise ordered, the application shall be made by summons. Where the suit is pending before the Court, to the Bench before whom it is appointed that the suit shall be heard.

50. Letter in the nature of summons to be served as process.

- Where assessors are to be summoned, this shall be done by a letter, under the signature of the Registrar which may be served in like manner as process of the Court in its writ jurisdiction.

51. Assessor's fees by whom to be deposited.

- Assessor's fee shall, before each day's hearing, be deposited with the Registrar by the party at whose instance they were summoned, or in default thereof by the other party.

52. How to be disposed of.

- The Registrar shall pay the fees so deposited with him to 'assessors' or, in any case where their attendance is not required, shall; unless otherwise ordered, refund the same so the party by whom the same was deposited.

53. To be deemed costs in the cause.

- Unless otherwise ordered, all fees paid to assessors under these rules shall be deemed to be costs in the suit. Special Summary Procedure

54. Summary Procedure by consent.

- The parties to any suit may have the same dealt with, heard and determined in accordance with the following special rules upon filing, in the Registry a consent signed by the parties or their Advocates in the form given in the Appendix to these Rules.

55. Application to fix hearing and give directions.

- After such consent has been filed, application may be made to the Court by any party to appoint a day for hearing and to give directions.

56. No pleadings.

- There shall be no pleadings beyond a statement of claim verified by affidavit, but if there be a counter-claim, notice thereof shall be given in writing before such consent as aforesaid is signed.

57. List of documents.

- inspection-List of documents shall be exchanged and mutual inspection of documents given at or before a time appointed by the Court on the hearing of the application aforesaid.

58. Hearing of application.

- At the hearing of the application aforesaid unless it shall sufficiently appear from the statement of claim or otherwise in writing, the plaintiff shall specify the cause or causes of action in respect of which the suit is brought and if practicable, the amount actually claimed, and the defendant shall specify the grounds at defence on which he relied and in salvage claims, the plaintiff and the defendant respectively shall, at the time or within such time as the Court shall direct, state the values of their property and, if required, by affidavit. In the case of a counter-claim, the cause or causes of action and the claim therein and grounds of defence thereto shall be similarly stated.

59. Evidence.

- The Court shall be at liberty to receive, call for, and act upon, such evidence, documentary or otherwise, whether legally admissible or not, as it may think fit.

60. Costs.

- If in any suit, the sum awarded, or for which judgement is given, exceeds the sum, if any, tendered, the Court hearing the case may nevertheless exercise his discretion as to how and by whom the costs shall be borne.

61. in other respects ordinary rules apply.

- In other respects, the ordinary rules and practice shall apply so far as may be necessary. Notwithstanding anything contained in this special rule, the Bench hearing the case, may, if it thinks fit, make such order as it may make under the ordinary rules and practice. Suppression on Rules

62. These rules to supersede previous rules.

- The foregoing rules shall apply to suits brought in the Court in the exercise of its admiralty jurisdiction in suppression of all former rules which may have been in force or may be deemed to have been in force.

of fees and charges to be allowed to the Marshal

	Rs
1. For serving every writ of summons including Bailiff's charge for serving same and making affidavit	50
2. For every search of service of summons or other process	5
3. For every ordinary return	5
4. For every special return	10
5. For translation mean necessary per folio	2
6. For arresting a vessel or goods or person or on the execution of other warrant including Bailiff's charge for executing same	200
7. For serving every notice and other judicial process not specified in this schedule for each person served including Bailiff's charge for serving same	20
8. On the execution of any decree, order, commission or other instrument not specially mentioned in this schedule	75
9. On attending, appointing and swearing appraisers	60
10. On delivering up a ship or goods to a purchaser agreeable to the inventory	75
11. On attending the- delivery of cargo or sale or removal of a ship or goods per day	200
12. On retaining possession of a ship with or without cargo or of a ship's cargo without a ship, to include the cost of a shipkeeper, if required per day	25
13. If the Marshal or any of his substitutes required to go a greater distance than five kilometres from his office to perform any of the above duties, he shall be entitled to his reasonable expenses for travelling, board and maintenance, in addition to the above less	30

14. On the sale of any vessel or goods sold pursuant to a decree or order of the Court or on money realised in execution for every Rs. 750 or fraction of Rs. 750 realised 30
15. For release of a vessel, goods or person from arrest 30
16. For every certificate of seizure 30
17. For every other certificate 10

Form No. I [Rule 54] Form of consent to the application of summary procedure In the High Court of Orissa, Cuttack (Admiralty Jurisdiction) Between : ... Plaintiff and ... Defendant We the undersigned respectively hereby agree that this cause shall be dealt with, heard and determined according to the Summary Procedure. Dated this ... day of ... 20 ... Plaintiff's

Advocate Defendant's Advocate Note - As the above mentioned Rules depart from the ordinary rules and practice, it will be necessary for Advocates signing this consent to obtain their clients' authority to do so. Form No. 2 [Rules 9 and 43] Writ of summons in Admiralty Suits in rem Suit No. ... of 1980 In the High Court of Orissa, Cuttack (Admiralty Jurisdiction) Between : ... Plaintiff and ...

Defendant To The owners and parties interested in the Ship or Vessel of the port of (or cargo and freight, etc., as the case may be). Greeting : Where (enter the name, description and address of the plaintiff) has instituted a suit in his Court against you (set out concise statement as appearing in the plaint or attach plaint); You are hereby required to cause an appearance to be entered for you in the Registry (i.e., the office of the Registrar of this Court) within days from the service upon you of this summons, exclusive of the day of such service; and are summoned to appear before this Court in person or by an Advocate duly instructed to answer the plaintiff's claim on the day the case is set down for hearing, upon which date you must be prepared to produce all your witnesses and all documents in your possession or power upon which you intend to rely in support of your case and you are hereby required to take notice that in default of your causing an appearance to be so entered the suit will be liable to be heard and determined in your absence; and if the property described in this writ is then under the arrest of the Court, it may be sold by the order of the

Court. Witness Chief Justice of the High Court of Orissa at Cuttack the day at in the year of one thousand nine hundred and ... Advocate

Registrar Note 1 - An appearance in person or through Advocate is to be entered in the Registry, within the time limited in default thereof, the suit will be liable to be heard ex parte. Note 2 - The written statement called for must be filed within the time first entered an appearance. In default time limited, the defendant have thereof the suit will be liable to be heard ex parte. Note 3 - This writ must be returned to the High Court immediately after the service thereof, or, if not served and the time for the return thereof shall not have been extended on the day of next. Note 4 - Should you apprehend your witnesses will not attend of their own accord you can have subpoenas from this Court to compel the attendance of any witness and the production of any document that you to have a right to call upon the witness to produce, on applying to the Court at any time before the trial, and on payment to them of the fees and expenses prescribed by the Rules of this Court. Note 6 - If you admit the demand, you should pay the money into Court with the costs of the suit to avoid sale of any property in respect of which the suit is brought or execution of the decree which may be against your person or property, or both. Form No. 3 [Rule 4] Precipe for warrant Suit No. of 20 In the High Court of Orissa Cuttack (Admiralty Jurisdiction) Between : ... Plaintiff and ... Defendant I, Advocate, for the (state whether plaintiff or defendant), pray a warrant to arrest (state name and nature of property). Dated

the.....day of.....20.....Advocate(To be signed by the Advocate)Form No. 4[Rule 4]Warrant of Arrest in AdmiraltySuit in remSuit No.....of.....20.....In the High Court of Orissa Cuttack(Admiralty Jurisdiction)Between :... Plaintiffand... DefendantTo the Marshal,We hereby command you to arrest the ship or vessel of the port of.....(and the cargo and freight, etc., as the case may be) and to keep the same under safe arrest, until you shall receive further orders from us.Witness.....Chief Justice of the High Court of Orissa at Cuttackthe day.....of.....in the year of one thousand nine hundred and.....RegistrarForm No. 5[Rule 40]Writ of Summons in Admiralty action in personamIn the High Court of Orissa, Cuttack(Admiralty Jurisdiction)Between :... Plaintiffand... DefendantTo(Address)Greeting : Whereas (enter the name and description and address of the plaintiff) has instituted a suit in this Court against you (as per the plaint or concise statement attached), you are hereby required to cause an appearance to be entered for you in the Registry (i.e., in the office of the Registrar of this Court) withindays from the service upon you of the summons, exclusive of day of such service, and are summoned to appear before this Court in person or by an Advocate duly instructed to answer the plaintiff's claim on the day the case is set down for hearing, upon which day you must be prepared to produce all your witnesses and all documents in your possession or power upon which you intend to rely in support of your case, and you are hereby required to take notice that in default of your causing appearance to be so entered, the suit will be liable to be heard and determined in your absence.Witness.....Chief Justice of the High Court of Orissa at Cuttack the day of.....in the year one thousand nine hundred and.....RegistrarAdvocateNote 1-An appearance in person or through Advocate is to be entered in the Registry, within the time limited. In default thereof, the suit will be liable to be heard ex parte.Note 2-The written statement called for must be filed within the time limited, the defendant having first entered an appearance. In default thereof the suit will be liable to be heard ex parte.Note 3- This writ must be returned to the High Court immediately after the service thereof, or, if not served and the time for the return thereof shall not have been extended on the day of next.Note 4-Should you apprehend your witnesses will not attend of their own accord you can have subpoenas from this Court to compel the attendance of any witness and the production of any document that you have a right to call upon the witness to produce, on applying to the Court at any time before the trial and on payment to them of the fees and expenses prescribed by the Rules of this Court.Note 5- If you admit the demand you should pay the money into Court with the costs of the suit to avoid sale of any property in respect of which the suit is brought or execution of the decree which may be against your person or property, or both.Form No. 6[Rule 40]Writ of summons in Admiralty action in rem and in personamIn the High Court of Orissa, Cuttack(Admiralty Jurisdiction)Admiralty action in rem againstand in personam againstBetween... Plaintiffand... DefendantTo the owners of and other persons interested in.....(i.e., the Ship SLEVE of the Port of PARADEEP)and to..... (Address)Greeting : Whereas (enter the name and description and address of the plaintiff) has instituted a suit in this Court against you (as per the plaint or concise statement attached) you are hereby required to cause an appearance to be entered for you in the Registry (i.e., in the office of the Registrar of this Court) within.....days from the service upon you of the summons exclusive of the day of such service, and are summoned to appear before this Court in person or by an Advocate duly instructed to answer the plaintiff's claim on the day the case is set down for hearing, upon which day you must be prepared to produce all your witnesses and all documents in your possession or power upon which you intend to rely in support of your case, and

you are hereby required to take notice that in default of your causing appearance to be, so entered the suit will be liable to be heard and determined in your absence, and, if the property described in this writ is then under the arrest of the Court, it may be sold by order of the Court. Witness.....Chief Justice of the High Court of Orissa, Cuttack the.....day of.....in the year one thousand nine hundred and.....Registrar Advocate Note 1-An appearance in person or through Advocate is to be entered in the Registry, within the time limited. In default thereof, the suit will be liable to be heard ex parte. Note 2-The written statement called for must be filed within the time limited, the defendant having first entered in appearance. In default thereof the suit will be liable to be heard ex parte. Note 3-The writ must be returned to the High Court immediately after the service thereof, or, if not served and the time for the return thereof shall not have been extended on the.....day of.....next. Note 4-Should you apprehend your witnesses will not attend of their own accord you can have subpoenas from this Court to compel the attendance of any witness and the production of any document that you have a right to call upon the witness to produce, on applying to the, Court at any time before the trial, and on payment to them of the fees and expenses prescribed by the rules of this Court. Note 5 - If you admit the demand you should pay the money enter Court with the costs of the suit to avoid sale of any property in respect of which the suit is brought or execution of the decree which may be against your person or property, or both. Form No. 7[Rule 8]Precipe for service by the Marshal of any Instrument in rem other than a warrant Suit No.....of.....20.....In the High Court of Orissa, Cuttack(Admiralty Jurisdiction)Between... Plaintiffand... DefendantI..... Advocate for the (state whether plaintiff or defendant) pray that the (state nature of the instrument) left herewith be duly executed. Dated the.....day of 20.....AdvocateTo be signed by the Advocate Form No. 8[Rule 24]Precipe for appearance Suit No.....of.....20.....In the High Court of Orissa, Cuttack(Admiralty Jurisdiction)Between... PlaintiffVersus... DefendantEnter an appearance for.....in this suit. Dated the.....day of 20.....(Signed)Advocate for the DefendantAddress for service on.....Advocate for the sole defendant Form No. 9[Rules 35 (1) and 36]Precipe for release Suit No.....of 20.....In the High Court of Orissa, Cuttack(Admiralty Jurisdiction)Between... PlaintiffVersus... DefendantI.....Advocate for the (state whether plaintiff or defendant) in a suit (state nature of suit), against the (state name and nature of property) now under arrest by virtue of a warrant issued from the (bail having been given, or the suit having been withdrawn by me before an appearance was entered therein, etc., as the case may be), and there being no caveat against the release thereof outstanding. Dated the day of.....20.....AdvocateTo be signed by the Advocate Form No. 10[Rule 26]Release Suit No.....of 20.....In the High Court of Orissa, Cuttack(Admiralty Jurisdiction)ToThe Marshal,Greeting : Whereas in a suit of commenced in our said High Court on behalf of.....against. we did command you to arrest the said.....and to keep the same under safe arrest until you should receive further orders from us. Now we do hereby command you to release the saidfrom the arrest effected by virtue of our warrant in the said suit, upon payment being made to you of all costs, charges and expenses attending the care and custody of the property whilst under arrest in that suit. Witness Chief Justice of the High Court of Orissa at Cuttack the day of.....in the year of one thousand nine hundred and.....Release RegistrarTaken out by.....on the day of 20.....the.....or vessel.....(or cargo and freight, etc., as the case may be) released from arrest pursuant to this instrument of release. Registrar Form No. 11[Rule 28]Praecipe for Caveat releaseIn the High Court of Orissa,

Cuttack(Admiralty Jurisdiction)Between... PlaintiffVersus... DefendantI,.....
 Advocate for the Plaintiff in this action pray a caveat against the release of the (state name and nature of the property)Dated the.....day of 20.....AdvocateTo be signed by the
 AdvocateForm No. 12[Rule 27]Precipe for Caveat WarrantSuit No.....of 20.....In the High Court of Orissa, Cuttack(Admiralty Jurisdiction)Between... PlaintiffVersus... DefendantI,(state name, address and description) hereby undertake to enter an appearance in any suit that may be commenced in this Hon'ble Court against (state name and nature of the property) and within three days after I shall have been served with a copy of the plaint in such suit to give bail therein in a sum not exceeding (state amount for which the undertaking is given) Rupees or to pay such sum into the Registry. And I consent that all instruments and other documents in such suit may be left for me at.....Dated the.....day of.....20.....AdvocateTo be signed by the AdvocateForm No. 13[Rule 27]Precipe for caveat warrant by plaintiffSuit No.....of 20.....In the High Court of Orissa, Cuttack(Admiralty Jurisdiction)Between... PlaintiffVersus... DefendantI,.....(state name, address and description) hereby undertake within three days after I shall have been served with a notice of any counterclaim herein in respect of which the defendant is entitled to. arrest (state name and nature of property) to give bail to answer such counter-claim in a sum not exceeding (state amount for which the undertaking is given) Rupeesor to pay such sum into the Registry.Dated the.....day of.....20..AdvocateTo be signed by the AdvocateForm No. 14[Rule 33]Precipe to withdraw CaveatSuit No.....of 20.....In the High Court of Orissa, Cuttack(Admiralty Jurisdiction)Between... PlaintiffVersus... DefendantI,.....Advocate for the (state whether plaintiff or defendant) pray that the caveat against (state tenor of caveat), entered by me on the day of.....20.....on behalf of (state name) may be withdrawn.Dated the.....day of.....20.....(Signed)(To be signed by the person by whom the praecipe for the, entry of the caveat was signed).