

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT**

THE HONOURABLE MR. JUSTICE T.R.RAVI

Monday, the 22nd day of January 2024 / 2nd Magha, 1945

IA.NO.1/2024 IN ADML.S. NO. 2 OF 2024

APPLICANT/PLAINTIFF:

**RAJU THOMAS, S/O THOMAS, AGED 63 YEARS ,H.NO. 23/99, ANTONY P NIVAS,
K R PURAM WEST, ERAVIPUTHANTHURAI, THUTHUR P.O., KANYAKUMARI
DISTRICT, TAMILNADU STATE - 629176**

RESPONDENTS/DEFENDANTS:

- 1. OWNERS AND PARTIES INTERESTED IN THE VESSEL, NOURINMOL (KL-04-MM-3621) AN INDIAN FISHING BOAT ALONG WITH HER HULL, ENGINES, MACHINERY, APPAREL, NETS, FISHING GEARS AND OTHER PARAPHERNALIA PRESENTLY ANCHORED WITHIN THE MUNAMBAM FISHING HARBOUR, MUNAMBAM - 683515**
- 2. NOURINMOL (KL-04-MM-3621) AN INDIAN FISHING BOAT ALONG WITH HER HULL, ENGINES, MACHINERY, APPAREL, NETS, FISHING GEARS AND OTHER PARAPHERNALIA PRESENTLY ANCHORED WITHIN THE MUNAMBAM FISHING HARBOUR, MUNAMBAM, - 683515**
- 3. ARSHAD, OWNER OF INDIAN FISHING BOAT, NOURINMOL (KL-04-MM-3621) THALAKKATTU HOUSE, EDAVANAKKAD P.O., ERNAKULAM DISTRICT - 682502**
- 4. ASSISTANT DIRECTOR OF FISHERIES, FISHERIES STATION, VYPEEN, ERNKULAM DISTRICT- 682508**

Application praying that in the circumstances stated in the affidavit filed therewith the High Court be pleased to direct the arrest of 2nd respondent /2nd defendant vessel Nourinmol (KL-04-MM-3621) an Indian Fishing Boat along with her hull, engines, machinery, apparel, nets, fishing gears and other paraphernalia presently anchored within the Munambam Fishing Harbour, Munambam, 683515 and direct Assistant Director of Fisheries, Fisheries Station, Vypeen, Ernakulam District-682508 to keep the vessel Nourinmol (KL -o4-MM-3621) under safe arrest till the final disposal of above numbered Admiralty Suit, in the interest of justice.

This Application coming on for orders upon perusing the application and the affidavit filed in support thereof, and upon hearing the arguments of M/s.YASH THOMAS MANNULLY, SOMAN P.PAUL, G.SANTHOSH KUMAR (P)., Advocates for the petitioner, the court passed the following:

T.R. RAVI, J.

Admiralty Suit No.2 of 2024

Dated this the 22nd day of January, 2024

ORDER

Admit. Issue notice by speed post returnable in two weeks to the respondents.

I.A.No.2 of 2024

Allowed.

I.A.No.1 of 2024

The suit is filed seeking a decree for a sum of ₹1,00,00,000/- (Rupees One Crore only) along with interest at the rate of 12% per annum from the date of filing of the suit till the date of payment/realisation. The claim is for damages caused due to the collision of vessels resulting in total loss of the plaintiff's vessel. It is contended that the 2nd defendant vessel is presently lying within the limits of Munambam Fishing Harbour since 18.01.2024 within the territorial waters of this Court.

2. On going through the averments in the plaint and also the affidavit filed in support of the application and the documents produced along with it, I am satisfied that a *prima facie* case warranting an *ex parte* order of arrest has been made out. Accordingly, a conditional order of arrest is issued.

3. The 2nd defendant vessel, along with her hull, engines, machinery, apparel, nets, fishing gears and other paraphernalia, presently anchored within the Munambam Fishing Harbour, Munambam – 683 515 is ordered to be arrested until an amount of ₹65,00,000/- is deposited before this Court or until the defendants furnish security for the said amount to the satisfaction of this Court.

4. It is ordered that the Assistant Director of Fisheries, Fisheries Station, Vypeen, Ernakulam – 682 508 shall execute the warrant and effect the arrest, seizure and detention of the 2nd defendant vessel Nourinmol (KL-04-MM-3621) along with its hull, engines, machinery, apparel, nets, fishing gears and other paraphernalia, as ordered above.

H/o

Sd/-
T.R. RAVI
JUDGE

dsn