

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

Friday, the 9th day of February 2024 / 20th Magha, 1945

IA.NO.2/2024 IN ADML.S. NO. 4 OF 2024

PLAINTIFF:

LIGHTHOUSE MARINE SERVICES INDIA PRIVATE LIMITED SRINIVASA ARCADE,
FLAT NO. A8, 1/2, ARUNACHALAM ROAD, SALINGRAMAM, CHENNAI-PIN -
600093 REPRESENTED BY ITS DIRECTOR, R. SINGARAVADIVELAN.,

DEFENDANT:

1. OWNERS AND PARTIES INTERESTED IN VESSEL DYNAMIK TRADER (IMO NUMBER 9286657) A VESSEL FLYING THE FLAG OF COOK ISLANDS TOGETHER WITH HER HULL, TACKLE, MACHINERY, BOATS, BUNKERS, EQUIPMENT, PARAPHERNALIA AND ALL OTHER APPURTENANCES PRESENTLY LYING AT THE PORT AND HARBOUR OF COCHIN, WITHIN THE TERRITORIAL WATERS OF INDIA AND WITHIN THE ADMIRALTY JURISDICTION OF THIS HONOURABLE COURT, REPRESENTED BY HER MASTER.
2. M/s RADIATING WORLD SHIPPING SERVICES LLC 943 BURJUMAN BUSINESS CENTRE, KHALID BIN AL WALEED ROAD, BUR DUBAI, DUBAI, UNITED ARAB EMIRATES, PIN - 122002
3. THE DEPUTY CONSERVATOR COCHIN PORT TRUST, WILLINGDON ISLAND, COCHIN, PIN - 682003

Application praying that in the circumstances stated in the affidavit filed therewith the High Court be pleased to grant an order of arrest and issue warrant of arrest against the 1st respondent vessel Dynamic Trader (IMO No.9286657) along with her hull,tackle,engine,machinery,spares,gear,apparel,paraphernalia, furniture etc. presently in Port and harbour ofCochin, within the admiralty jurisdiction of this Hon'ble Court and direct the 4th respondent (Deputy Conservator, Cochin Port) to keep the vessel under arrest till securit for an amount of Rs.28,03,426/- along with further interest @ 24% per annum due to the petitioner/Plaintiff is deposited in the Court or until further orders of this Hon'ble Court 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 MATHEWS K. UTHUPPACHAN, Advocates for the petitioners, the court passed the following:

ORDER

T.R. RAVI, J.

Admiralty Suit No.4 of 2024

Dated this the 09th day of February, 2024

ORDER

Admit. 1st defendant appears through counsel. Issue notice by speed post to the 2nd defendant. Standing Counsel takes notice for the 3rd defendant.

I.A.No.1 of 2024

Allowed.

I.A.No.2 of 2024

The claim in the suit is for a sum of Rs.28,03,426/-. It is submitted that the 1st defendant is presently within the territorial waters of this Court and the plaintiff apprehends that if the 1st defendant leaves the territorial waters, it will seriously prejudice their claim against the 1st defendant.

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 1st defendant vessel, along with her hull, tackle, engine, machinery, spares, gear, apparel, paraphernalia, furniture etc., which is stated to be presently in the Port and harbour of Cochin is ordered to be arrested until an amount of Rs.28,03,426/- (Rupees twenty eight lakhs three thousand and twenty six only) is deposited before this Court or until defendants 1 and 2 furnish security for the said amount to the satisfaction of this Court.

4. It is ordered that the Deputy Conservator, Cochin Port Trust, Willingdon Island, Cochin - 682 003 shall execute the warrant and effect the arrest, seizure and detention of the 1st defendant vessel MT Dynamik Trader (IMO NO.9286657) along with her hull, tackle, engine, machinery, spares, gear, apparel, paraphernalia, furniture etc., as ordered above.

H/o

mpm

**Sd/-
T.R. RAVI
JUDGE**