

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

THE HONOURABLE MR. JUSTICE T.R.RAVI

Thursday, the 8th day of February 2024 / 19th Magha, 1945

IA.NO.2/2024 IN ADML.S. NO. 3 OF 2024

APPLICANT/PLAINTIFF:

1. INDIAN SEAFARERS RIGHTS UNION PLOT NO.72, DOOR NO.7, 8TH AVENUE DHANTESWARAM EXTENSION, VALANCHERY, CHENNAI 600 042 REPRESENTED BY ITS AUTHORISED OFFICER, K VIGNESH KUMAR, AGED 34, S/O K.KALIAPPAN, NO.10/77, V. VILLAM LAKSHMI AVENUE, 1ST STREET, IYAPPATHANGAL, CHENNAI - 600 122
2. NANDAKUMAR, AGED 21, S/O BALASUNDARAM, ARJUNAN, 70/21, SIVLINGAM STREET, VETRI NAGAR, JAWAHARNAGAR, CHENNAI, TAMIL NADU - 600 082, REPRESENTED BY HIS POWER OF ATTORNEY HOLDER INDIAN SEAFARERS RIGHTS UNION PLOT NO.72, DOOR NO.7, 8TH AVENUE DHANTESWARAM EXTENSION, VALANCHERY, CHENNAI 600 042 REPRESENTED BY ITS AUTHORISED OFFICER, K VIGNESH KUMAR, AGED 34, S/O K.KALIAPPAN, NO.10/77, V. VILLAM LAKSHMI AVENUE, 1ST STREET, IYAPPATHANGAL, CHENNAI - 600 122
3. YUVARAJ KOTEESWARAN, AGED 24, SON OF KOTEESWARAN, NO.1/24, PILLAIYAR KOIL STREET, SIVABOOTHAMEDU, VANAGRAM. CHENNAI, TAMIL NADU, PIN CODE 600 095 REPRESENTED BY HIS POWER OF ATTORNEY HOLDER INDIAN SEAFARERS RIGHTS UNION PLOT NO.72, DOOR NO.7, 8TH AVENUE DHANTESWARAM EXTENSION, VALANCHERY, CHENNAI 600 042 REPRESENTED BY ITS AUTHORISED OFFICER, K VIGNESH KUMAR, AGED 34, S/O K.KALIAPPAN, NO.10/77, V. VILLAM LAKSHMI AVENUE, 1ST STREET, IYAPPATHANGAL, CHENNAI - 600 122
4. PRATHMESH, AGED 23, SON OF DAYANAND PANMAND, KHADAK VASTI, GOREGAON, PARNER, AHMED NAGAR, MAHARASHTRA, PIN CODE 414 103, REPRESENTED BY HIS POWER OF ATTORNEY HOLDER INDIAN SEAFARERS RIGHTS UNION PLOT NO.72, DOOR NO.7, 8TH AVENUE DHANTESWARAM EXTENSION, VALANCHERY, CHENNAI 600 042 REPRESENTED BY ITS AUTHORISED OFFICER, K VIGNESH KUMAR, AGED 34, S/O K.KALIAPPAN, NO.10/77, V. VILLAM LAKSHMI AVENUE, 1ST STREET, IYAPPATHANGAL, CHENNAI - 600 122
5. CHANDRU, AGED 23, SON OF MATHIYAZHAGAN, NO.131, AMRITHA NAGAR, SAMANTHAM, PETTAI, NAGAPATTINAM, TAMIL NADU PIN CODE 611 003 DO HEREBY NOMINATE, APPOINT AND CONSTITUTE INDIAN SEAFARERS RIGHTS UNION PLOT NO.72 DOOR NO.7, 8TH AVENUE DHANTESWARAM EXTENSION, VALANCHERY, CHENNAI 600 042 REPRESENTED BY ITS AUTHORISED OFFICER, K VIGNESH KUMAR, AGED 34, S/O K.KALIAPPAN, NO.10/77, V. VILLAM LAKSHMI AVENUE, 1ST STREET, IYAPPATHANGAL, CHENNAI - 600 122
6. VISHWA, AGED 21, SON OF BASAVARAJ KABBUR, 8-42/9, SRI BANASHANKARI KRIPA, GANESH NAGAR, KODICAL, 2ND CROSS, MANGALURU CITY, KARNATAKA, PIN CODE 575 006 DO HEREBY NOMINATE, APPOINT AND CONSTITUTE INDIAN SEAFARERS RIGHTS UNION PLOT NO.72 DOOR NO.7, 8TH AVENUE DHANTESWARAM EXTENSION, VALANCHERY, CHENNAI 600 042 REPRESENTED BY ITS AUTHORISED OFFICER, K VIGNESH KUMAR, AGED 34, S/O K.KALIAPPAN, NO.10/77, V. VILLAM LAKSHMI AVENUE, 1ST STREET, IYAPPATHANGAL, CHENNAI - 600 122
7. SANJAY SRI, AGED 20, SON OF SARAVANAN, NO.175, TSUNAMI HOUSE, ATHANAPETTAI, NAGAPATTANAM, TAMIL NADU, PIN CODE 611 102 DO HEREBY NOMINATE, APPOINT AND CONSTITUTE INDIAN SEAFARERS RIGHTS UNION PLOT

NO.72 DOOR NO.7, 8TH AVENUE DHANTESWARAM EXTENSION, VALANCHERY, CHENNAI 600 042 REPRESENTED BY ITS AUTHORISED OFFICER, K VIGNESH KUMAR, AGED 34, S/O K.KALIAPPAN, NO.10/77, V. VILLAM LAKSHMI AVENUE, 1ST STREET, IYAPPATHANGAL, CHENNAI - 600 122

8. ALEN, AGED 26, SON OF SELVARAJ, 25-114, CHURCH STREET RAJAKKAMANGALAM, THURAIRAJAKKAMANGALAM, KANYAKUMARI, TAMIL NADU, PIN CODE 629 501 DO HEREBY NOMINATE, APPOINT AND CONSTITUTE INDIAN SEAFARERS RIGHTS UNION PLOT NO.72 DOOR NO.7, 8TH AVENUE DHANTESWARAM EXTENSION, VALANCHERY, CHENNAI 600 042 REPRESENTED BY ITS AUTHORISED OFFICER, K VIGNESH KUMAR, AGED 34, S/O K.KALIAPPAN, NO.10/77, V. VILLAM LAKSHMI AVENUE, 1ST STREET, IYAPPATHANGAL, CHENNAI - 600 122
9. DINESH, AGED 23, SON OF SARAVANAN, NO.4/139, THIDEERKUPPAM, AKKAIPETTAI POST, MANJIKOLLI VIA, NAGAPATTINAM, TAMIL NADU, PIN CODE 611 106 DO HEREBY NOMINATE, APPOINT AND CONSTITUTE INDIAN SEAFARERS RIGHTS UNION PLOT NO.72 DOOR NO.7, 8TH AVENUE DHANTESWARAM EXTENSION, VALANCHERY, CHENNAI 600 042 REPRESENTED BY ITS AUTHORISED OFFICER, K VIGNESH KUMAR, AGED 34, S/O K.KALIAPPAN, NO.10/77, V. VILLAM LAKSHMI AVENUE, 1ST STREET, IYAPPATHANGAL, CHENNAI - 600 122

RESPONDENTS/DEFENDANTS:

1. CHARTERER AND PARTIES INTERESTED IN THE VESSEL MT DYNAMIC TRADER (IMO NO. 9286657) A VESSEL FLYING A FLAG OF COOK ISLAND WITH HER HULL, TACKLE ENGINES, MACHINERY, APPAREL, EQUIPMENT , STORES, ARTICLES, THINGS AND OTHER PARAPHERNALIA AND LL THER APPURTENANCES PRESENTLY LYING AT THE PORT AND HARBOR OF COCHIN, WITHIN THE TERRITORIAL WATERS OF INDIA AND WITHIN THE ADMIRALTY JURISDICTION OF THIS HON'BLE COURT, REPRESENTED BY ITS MATER PIN CODE 682 003
2. RADIATING WORLD SHIPPING SERVICES LL.C 943, BURUJUMAN BUSINESS CENTRE BT1/L09/1-16-118, KHALID BIN WALEED ROAD (BANK STREET) DUBAI, UNITED ARAB EMIRATES, REPRESENTED BY ITS MANAGING DIRECTOR/AUTHORISED REPRESENTATIVE
3. LIGHT HOUSE MARINE SERVICES INDIA PVT. LTD. SRINIVASA ARCADE, FLAT NO.A8, 1/2 ARUNACHALAM ROAD, SALINGARAM, CHENNAI, REPRESENTED BY ITS MANAGING DIRECTOR, PIN CODE 600 093
4. THE DEPUTY CONSERVATOR THE COCHIN PORT TRUST WILLINGDON ISLAND, KOCHI, ERNAKULAM, PIN CODE 682 003

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/1st defendant vessel Dynamic Trader (IMO No 9286657) a motor vessel flying the flag of Cook Islands along with her hull, tackle , engines, machinery apparel, equipment, store, articles things and other paraphernalia presently at the Port of Cochin, within the territorial water on which the admiralty jurisdiction of this Hon'ble Court extends and direct the 4th respondent to keep the vessel under arrest till security for an amount of Rs.40,00,000.00 along with interest @ 24% per annum due to the petitioners 2 to 9 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 M/S.SHIBU JOSEPH, AJITH VISWANATHAN, SAYED MANSOOR BAFAKHY THANGAL, BALRAM S.A., SIDHARTH P. SASI, HAIRA SOLOMON, Advocates for the petitioners, the court passed the following:



T.R. RAVI, J.

Admiralty Suit No.3 of 2024

Dated this the 08th day of February, 2024

ORDER

Admit. Issue notice by speed post returnable in two weeks to defendants 1 to 3. Standing Counsel takes notice for the 4th defendant.

I.A.No.1 of 2024

Allowed.

I.A.No.2 of 2024

The suit has been filed for recovery of a sum of Rs.5,00,000/- each due to plaintiffs 2 to 9 with interest on the principle sum. These amounts are stated to be deposits, received by defendants 1 to 3 from the plaintiffs, which is not returned. It is stated that the 1st defendant vessel is reaching the Port of Cochin, Kerala today afternoon, within the territorial waters of this Court. The plaintiffs apprehend that once the vessel leaves the territorial waters, they will not be able to realise the amounts due to them.

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, engines, machinery, apparel, equipment, stores, articles, things and other paraphernalia and all other appurtenances, which is stated to be reaching at the Port of Cochin today afternoon is ordered to be arrested until an amount of Rs.40,00,000/- (Rupees Forty Lakhs only) is deposited before this Court or until defendants 1 to 3 furnish security for the said amount to the satisfaction of this Court.

4. It is ordered that the Deputy Conservator of the Cochin Port Trust, Willingdon Island, Kochi, Ernakulam, Pin-682 003 shall execute the warrant and effect the arrest, seizure and detention of the 1st defendant vessel MT Dynamic Trader (IMO NO.9286657) along with her hull, tackle, engines, machinery, apparel, equipment, stores, articles, things and other paraphernalia and all other appurtenances, as ordered above.

H/o

mpm

Sd/-
T.R. RAVI
JUDGE