

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

Monday, the 4th day of March 2024 / 14th Phalguna, 1945

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

PETITIONERS/PLAINTIFFS:

1. INDIAN SEAFARERS RIGHTS UNION PLOT NO.72, DOOR NO.7, 8TH AVENUE DHANTESWARAM EXTENSION, VALACHERY, 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, VALACHERY, 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 KOOTEESWARAN, NO.1/24, PILLAIYAR KOIL STREET, SIVABOOTHAMEDU, VANAGARAM. 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, VALACHERY, CHENNAI 600 042 REPRESENTED BY ITS AUTHORISED OFFICER, K VIGNESH KUMAR, AGED 34, S/O G.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, AHEND 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, VALACHERY, 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, VALACHERY, CHENNAI 600 042 REPRESENTED BY ITS AUTHORISED OFFICER, K VIGNESH KUMAR, AGED 34, S/O G.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 G.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 G.KALIAPPAN, NO.10/77, V. VILLAM LAKSHMI AVENUE, 1ST STREET, IYAPPATHANGAL, CHENNAI - 600 122

8. ALLEN, 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 G.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 G.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 ALL OTHER APPURTENANCES PRESENTLY LYING AT THE PORT AND HARBOR OF COCHIN, WITHIN THE TERRITORIAL WATERS OF INDIA AND WITHIN THE ADMIRALITY JURISDICTION OF THIS HON'BLE COURT, REPRESENTED BY ITS MASTER 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 issue a direction to the Registrar General of this Hon'ble Court to encash the demand draft submitted by the defendants dated 12/02/2024 bearing No 888100 drawn on Indian Overseas Bank Regional Office Ernakulam and deposit the amount covered by it in a nationalized bank in an interest bearing account 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 and of SRI.PRANOV K. KOTTARAM, SRI.SIVARAMAN P.L for R1 AND SMT.LATHA ANAND (SC)COCHIN PORT TRUST, the court passed the following;

ORDER

This is an application for a direction to encash the Demand Draft and to keep in it interest bearing deposit. Since I am of the opinion that the amount need not remain as a Demad Draft without earning any interest, the application is allowed. The amount may be encashed and kept in an interest bearing deposit in Indian Overseas Bank in the name of the Registrar General in the account relating to Adml.Suit 3 of 2024.

Sd/- T.R.RAVI JUDGE

