

**IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR. JUSTICE M.A.ABDUL HAKHIM**

Wednesday, the 5<sup>th</sup> day of August 2026 / 14<sup>th</sup> Sravana, 1948

IA.NO.1/2025 IN ADML.S. NO. 5 OF 2024 j

**APPLICANTS/DEFENDANTS 1 & 3:-**

1. CHARTERER AND PARTIES INTERESTED IN THE VESSEL MT OCEAN FAYE (IMO: 9321689), A VESSEL HAVING THE FLAG OF COOK ISLANDS ALONG WITH HER HULL, TACKLE, BOATS, MACHINERY, EQUIPMENT, APPURTENANCES AND ALL OTHER PARAPHERNALIA, PRESENTLY AT THE PORT AND HARBOUR OF COCHIN, WITHIN TERRITORIAL WATERS OF INDIA AND WITHIN THE ADMIRALTY JURISDICTION OF THIS HON'BLE COURT, REPRESENTED BY ITS MASTER, PIN - 682003.
2. ONE MOON MARINE SERVICES LLC, ADEL AHMED AL WAHEDI BUILDING, AL MARARR 273-0, PROPERTY NO.802, DUBAI, UNITED ARAB EMIRATES, REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER, PIN - 202002.

**RESPONDENTS/PLAINTIFF/DEFENDANTS 2 & 4:-**

1. LIGHT HOUSE MARINE SERVICE INDIA PVT. LTD., RPSL NO: RPSL-CHN-043, FLAT NO: A8, SRINIVASA ARCADE, NO.1/2, ARUNACHALAM ROAD, SALIGRAMAM, CHENNAI, TAMIL NADU. REPRESENTED BY ITS MANAGING DIRECTOR R. SINGARAVADIVELAN, AGED 47, S/O. S RAMALINGAM, PIN - 600093.
2. STAR VOYAGE SHIPPING SERVICES LLC., MOHAMMED HAMED SAIF, AL RUMHI BUILDING, 902-0, PROPERTY NO: 204-D4, DUBAI, UNITED ARAB EMIRATES, REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER, PIN - 204666.
3. THE DEPUTY CONSERVATOR, COCHIN PORT TRUST, WILLINGTON ISLAND, KOCHI, PIN - 682003.

Application praying that in the circumstances stated in the affidavit filed therewith the High Court be pleased to :

1. Declare that 1<sup>st</sup> respondent herein/Plaintiff did not make out any case for grant of arrest of the 1<sup>st</sup> applicant herein/1<sup>st</sup> Defendant Vessel, MT Ocean Faye, by invoking the Admiralty Jurisdiction and has obtained the arrest wrongfully.

2. Vacate the order of arrest dated 31.05.2024 as the same was obtained wrongfully.

3. Direct that the security furnished by the applicants/defendants 1 & 3 in the sum of Rs.1,03,88,900.00 (Rupees One Crore Three Lakhs Eighty - Eight Thousand and Nine Hundred Only) be refunded with accrued interest.

4. Dismiss the present suit as the order of arrest and invocation of Admiralty Jurisdiction is wrongful;

5. Impose exemplary costs to be paid by the 1<sup>st</sup> respondent herein/Plaintiff to the applicants herein/defendants 1 & 3: and

**6. Pass such other reliefs, including costs of this application, as this Hon'ble Court deems fit and appropriate in the facts and circumstances of this case.**

**This Application coming on for orders upon perusing the application and the affidavit filed in support thereof, and upon hearing the arguments of SRI.SANTHOSH MATHEW ,SENIOR COUNSEL AND M/S. JIKKU SEBAN GEORGE, DEEPTI SUSAN GEORGE, BABITHA BABU Advocates for the petitioners/D1 & D3, and of M/S. SHIBU JOSEPH, AJITH VISWANATHAN, SAYED MANSOOR BAFAKHY THANGAL, M.SRIRAM, HAIRA, Advocates for R1/PLAINTIFF, SMT. LATHA ANAND Advocate for the R3/D4, the court passed the following:,**



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**M A ABDUL HAKHIM,J****I.A.No.1 of 2025****in****Adml.S.No.5 of 2024****Dated this the 05<sup>th</sup> day of August, 2026****ORDER**

1. I.A. No.1/2025 is filed by the Defendants Nos.1 & 3 in the Admiralty Suit. The Defendants Nos.1 & 3 in the Admiralty Suit are the Charterer and Parties interested in the Vessel "MT OCEAN FAYE" (IMO No.9321689) and its Ship Manager. The prayers in the Application is to declare that the Plaintiff did not make out any case for grant of arrest of the Defendant Vessel by invoking admiralty jurisdiction and has obtained the arrest wrongfully, to vacate the Order of Arrest of the Vessel, to direct that the security furnished by the Applicants be refunded with accrued interest, to dismiss the Suit as the Order of Arrest and invocation of admiralty jurisdiction is wrongful and to impose

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exemplary costs to be paid by the Plaintiff to the said Defendants.

2. The Respondent No.1/Plaintiff has filed Counter Affidavit dated 13.01.2026 producing Exts.R1(a) to R1(g) and Additional Counter Affidavit dated 14.07.2026 producing Annexures R1(h) to R1(k) in the Application.

3. The parties are referred according to their status in the Suit. The Suit was filed on 30.05.2024 by Lighthouse Marine Service India Pvt. Ltd. The Defendants Nos.1 to 4 in the Suit are the Charterer and Parties interested in the Vessel MT Ocean Faye, Star Voyages Shipping Services LLC, One Marine Services LLC and the Deputy Conservator, Cochin Port Trust. The Suit is filed claiming the value of the Invoice dated 20.07.2023 issued by the Plaintiff to the Defendant No.2, which is produced as Document No.3 along with the Suit.

4. Plaintiff is a Recruitment and Placement Service Licence Holder of the Government of India. It is the Manning Agent of the Vessels operated by the Defendant No.2 Ship Manager

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based in Dubai. Defendant No.2 is the Ship Manager of the Vessel MT Ocean Faye. The claim of the Plaintiff is for the amount due from the Defendant No.2 for the services provided by it as per the Manning Agreement with the Defendant No.2. The Defendant No.3 is made a party on the allegation that on account of the financial sanction imposed on the Defendant No.2, it shifted its Vessels to the Defendant No.3.

5. As per Order dated 31.05.2024 in I.A. No.1/2024, this Court ordered the arrest of the Vessel MT Ocean Faye until an amount of Rs.1,03,88,900/- is deposited before this Court or until the Defendants Nos.1 & 2 furnish security for the said amount to the satisfaction of this Court. Pursuant to the said Order, the Defendant No.1 has deposited Rs.1,03,88,900/- by way of Demand Draft and the Vessel was released from arrest. The said Demand Draft was encashed and Rs.1,03,88,900/- is deposited in fixed deposit in the Canara Bank.
6. I heard the learned Senior Counsel, Sri. Santhosh Mathew, instructed by Adv. Sri. Jikku Seban George, for the Defendants Nos.1 & 3, the learned Counsel for the Plaintiff, Sri. M. Sriram,

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and the learned Counsel for the Defendant No.4, Sri. Latha Anand.

7. Learned Senior Counsel for the Defendants Nos.1 & 3 contended that the claims of the Plaintiff are neither against the Defendant No.1 nor against the Vessel. The claims are against the Defendant No.2. The Vessel is admittedly not owned by the Defendant No.2. In such case, the Plaintiff cannot maintain an action for arrest of the Vessel in a Suit brought against the Defendant No.2. Learned Senior Counsel invited my attention to the averments in the Suit that the Defendant No.2 is only a Manager of the Vessel. The Vessel MT Ocean Faye will be a sister Vessel only if the Plaintiff is having claims against another Vessel of the Defendant No.1. It is the common ownership of the Vessels which is relevant and the common management of the Vessels is not relevant for the purpose of deciding whether a Vessel is the sister Vessel of another Vessel. The jurisdiction to order arrest *in rem* is available to the High Court under Section 5 of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 (hereinafter referred

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to as the 'Admiralty Act') only when this Court has reason to believe that the person who owned the Vessel at the time when the maritime claim arose is liable for the claim and is the owner of the Vessel when the arrest is effected. That apart, the Plaintiff's claims are against the Defendant No.2 and not against another Vessel. It is clear from Document No.3 produced along with the Suit that the Plaintiff is claiming salary of the crew provided by the Plaintiff to three Vessels by names, MT Eastern Pearl, MT Fast Kathy and MT Sea Fidelity and not to the Vessel MT Ocean Faye arrested in the Suit. The Plaintiff cannot maintain arrest against the Vessel MT Ocean Faye on the mere ground that the said Vessels mentioned in Document No.3 and the Vessel MT Ocean Faye are managed by the Defendant No.2. Learned Senior Counsel cited the decision of the Hon'ble Supreme Court in ***Sunil B. Naik v. Geowave Commander [(2018) 5 SCC 505]*** and the decision of the Gujarat High Court in ***MV Altus Exertus v. Glander International Bunkering DMCC [MANU/GJ/0204/2019]*** in support of his contentions. Learned Senior Counsel concluded his arguments to allow the

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above Application and to dismiss the Suit for want of admiralty jurisdiction to try the Suit.

8. The learned Counsel for the Plaintiff contended that the claim of the Plaintiff will come under Section 5(1)(e) of the Admiralty Act and hence this Court has ample power to arrest the Vessel MT Ocean Faye mentioned in the Suit for the claim against its Ship Manager/Defendant No.2. Learned Counsel further contended that the name and ownership of the Vessels were changed in order to avoid the financial sanctions against the Vessel. Annexure R1(i) would reveal that the name of the Vessel MT Ocean Faye was changed to Glacia on account of War Sanctions, as the IMO number is one and the same for both the names. The Defendant No.2 transferred its tankers to other newly created companies, including the Defendant No.3. The claim is for the sums due to the members of the Vessel in respect of their employment on the Vessel and the same is a maritime lien within the meaning of Section 5(1)(e) r/w Section 9(1)(a) of the Admiralty Act and hence this Court has ample power to order arrest of the subject Vessel under Section

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5(1)(e) of the Admiralty Act. Learned Counsel contended that the claim is made against the Defendant No.2 on the basis of Document No.2 Manning Agency Agreement. Learned Counsel referred to Section 1.3.1 of Document No.2 and contended that it is the responsibility of Defendant No.2 to settle and pay the balance wages and to reimburse the payments made by the Plaintiff as wages to the officers of the Vessel. The Vessel MT Ocean Faye referred in the Suit with respect to which the arrest is sought is included in Document No.2. Document No.3 is the Invoice dated 20.07.2023 issued by the Plaintiff for three Vessels which are also included in Document No.2 Agreement. It is clear from Ext.R1(f) Lloyd's List Daily Briefing Publication produced along with the Counter Affidavit that the Defendant No.2 manages the aforesaid Vessels including Vessel MT Ocean Faye; that on account of the sanction in oil trades, ownership of 25 Vessels of the Defendant No.2 were re-flagged. The contention of the learned Counsel is that the Defendants are in the habit of changing ownership and name of the Vessel only for the purpose of

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avoiding sanctions. The liability of Defendant No.1 for the liability of Defendant No.2 is a matter of evidence. Learned Counsel concluded his arguments praying to dismiss the Application by submitting that the arrest of the Vessel to secure the Plaint Claim is perfectly justified.

9. I have considered the rival contentions with reference to the pleadings & documents and relevant statutory provisions and precedents cited before me.
10. The decision of the Hon'ble Court in **Sunil B. Naik(supra)** is rendered not with reference to the provisions of the Admiralty Act. After the implementation of the Admiralty Act, the admiralty jurisdiction of the High Court is governed by the provisions of the Admiralty Act. The Suit is filed under the Admiralty Act. Hence I approach the issue involved in this Application with reference to the provisions under the Admiralty Act and not with reference to the precedents rendered prior to the implementation of the Admiralty Act. Of course, for correct understanding of the provisions under the Admiralty Act, the prior precedents can be looked into.

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11. The claim of the Plaintiff is the Invoice value of USD 1,13,534.00 equivalent to Rs.94,44,308.76 of Document No.3 issued by the Plaintiff to the Defendant No.2. The case of the Plaintiff is that it had provided crew to three Vessels by names, MT Eastern Pearl, MT Fast Kathy and MT Sea Fidelity, managed by the Defendant No.2 for the month of June 2023 and the Plaintiff is entitled to get wages of the said crew and hence the Plaintiff is entitled to maintain the action for arrest against the Vessel MT Ocean Faye which is managed by the Defendant No.2. The Plaintiff claims that by virtue of Section 9(1)(a) of the Admiralty Act, the Plaintiff is entitled to maintain maritime lien on the Vessel MT Ocean Faye which is sought to be arrested in the Suit. Even though in the Suit, there is an averment to the effect that the Vessel MT Ocean Faye is owned, operated and managed by Defendant No.2, it is clear from the records that Defendant No.2 was only a Ship Manager and not the Owner. The question for consideration is whether the Plaintiff can maintain an action for arrest of the Vessel MT Ocean Faye under Section 5 of the Admiralty Act. As per

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Clause (a) of Section 5(1), the High Court can order arrest of any Vessel which is within its jurisdiction for the purpose of providing security against a maritime claim which is the subject matter of an admiralty proceeding, where the Court has reason to believe that the person who owned the Vessel at the time when the maritime claim arose is liable for the claim and is the owner of the Vessel when the arrest is effected. The said provision requires common ownership of the Vessel with respect to which the maritime claim is made and the Vessel with respect to which the arrest is sought. There is no case for the Plaintiff that the Vessels MT Eastern Pearl, MT Fast Kathy and MT Sea Fidelity mentioned in Document No.3 are owned by the person who owns Vessel MT Ocean Faye sought to be arrested in the Suit. When the claim is against the Ship Manager for providing services to certain Vessels managed by the said Ship Manager, the person providing services cannot seek arrest of other Vessels managed by the said Ship Manager under Section 5(1)(a) of the Admiralty Act. The different Vessels managed by a Ship Manager will not become

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sister Vessels for the purpose of ordering arrest under Section 5(1)(a) of the Admiralty Act.

12. The further contention of the Plaintiff in the Suit is that the Plaintiff is having maritime lien over the Vessel MT Ocean Faye which is sought to be arrested by virtue of Section 9(1)(a) of the Admiralty Act and hence arrest can be sought under Section 5(1)(e) of the Admiralty Act. Section 5(1)(e) provides for arrest where this Court has reason to believe that the claim is against the owner, demise charterer, manager or operator of the Vessel and is secured by a maritime lien as is provided in Section 9. Section 2(1)(g) of the Admiralty Act defines 'maritime lien' as a maritime claim against the owner, demise charterer, manager or operator of the Vessel referred to in clauses (a) to (e) of Sub-Section (1) of Section 9, which shall continue to exist under Sub-Section (2) of that Section. Section 5(1)(e) is attracted only when the claim is secured by the maritime lien as provided in Section 9. The arrest can be ordered against the Vessel over which there is a maritime lien and not against a sister Vessel. The claim of the Plaintiff is that

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the Plaintiff is having maritime lien under Section 9(1)(a) of the Admiralty Act. Clause (a) of Section 9(1) provides maritime lien for claims for wages and other sums due to the master, officers and other members of the Vessel's complement in respect of their employment on the Vessel, including costs of repatriation and social insurance contributions payable on their behalf. Sub-Section (2) of Section 9 provides that maritime lien specified in Sub-Section (1) shall continue to exist on the Vessel notwithstanding any change of ownership or of registration or of flag and shall be extinguished after expiry of a period of one year unless, prior to the expiry of such period, the Vessel has been arrested or seized and such arrest or seizure has led to a forced sale by the High Court, provided that for a claim under Clause (a) of Sub-Section (1), the period shall be two years from the date on which wage, sum, cost of repatriation or social insurance contribution, falls due or becomes payable. It is clear from the wording in Clause (a) of Sub-Section (1) and Sub-Section (2) of Section 9 that the person claiming wages or other sums due as master, officers

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and other members should have been in the employment in the Vessel itself to get the benefit of maritime lien. Maritime lien could not be claimed on a sister Vessel or on another Vessel managed by the same Ship Manager. The Plaintiff has no case that the wages are claimed for the crew members provided by them to MT Ocean Faye which is sought to be arrested in the Suit. The further question of whether the person providing crew members for wages is entitled to get maritime lien under Section 9(1)(a) does not arise in this case. I find that the Plaintiff cannot proceed against the Vessel MT Ocean Faye for the claim against the Defendant No.2.

13. The Plaintiff will be able to bring the Admiralty Suit before this Court only if the Plaintiff is able to substantiate its claim for arrest against the Vessel MT Ocean Faye found within the admiralty jurisdiction of this Court. The Plaintiff brought the Admiralty Suit contending that the Plaintiff is entitled to arrest the Vessel MT Ocean Faye which is within the admiralty jurisdiction of this Court for the claim against the Defendant No.2. When the Plaintiff has no right to maintain an action for

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the arrest of the MT Vessel Ocean Faye, this Court does not have jurisdiction to entertain the Suit itself. I.A. No.1/2025 is liable to be allowed and the Suit is liable to be dismissed and the security amount of Rs.1,03,88,900/- which is lying under the Fixed Deposit with accrued interest is liable to be released to the Defendant No.1.

14. Accordingly, I.A. No.1/2025 in Adml.S. No.5/2024 is allowed, declaring that Plaintiff has no right to arrest the Vessel MT Ocean Faye by invoking admiralty jurisdiction of this Court and dismissing Adml.S. No.5/2024. The Registry of this Court is directed to release the Security Deposit of Rs.1,03,88,900/- lying in Fixed Deposit in this Suit, with accrued interest thereon, to the Defendant No.1.

Sd/-

**M A ABDUL HAKHIM, JUDGE**

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