

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE SATHISH NINAN

Monday, the 18th day of July 2022 / 27th Ashadha, 1944
ADML.S. NO. 4 OF 2022

PETITIONER:

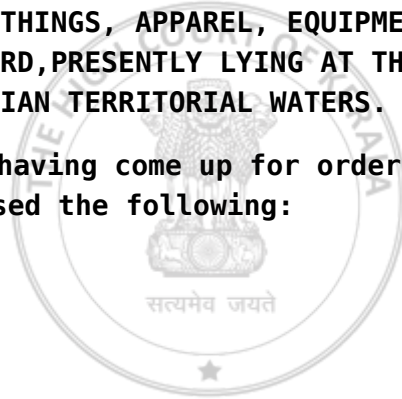
BUNKER PARTNER OU, A COMPANY INCORPORATED UNDER THE LAWS OF ESTONIA AND HAVING OFFICE AT NARVA MNT 116-9,10127 TALLINN,,ESTONIA REPERESNTED BY ITS POWER OF ATTORNEY HOLDER,MR.T.X HARRY @ THUNDIPARAMBIL XAVIER HARRY,S/O.MR.THUNDIPARAMBIL XAVIER,AGED 68 YEARS,RESIDING AT HOUSE NO.CC.16/59-A,CHEMMEENS ROAD,KARUVELIPADY,COCHIN-682005,KERALA,INDIA

BY ADVS.V.J.MATHEW (SR.),VIPIN P.VARGHESE,ADARSH MATHEW,KEVIN MATHEW GEORGE,MEERA ELSA GEORGE,MERLINE MATHEW,

RESPONDENT:

1. MV MAIA-1 (IMO: 9358010) AND HER OWNERS AND /OR MANAGERS AND /OR MASTER AND ALL OTHER PERSONS CONCERNED INTERESTED IN HER ,A RUSSIAN FLAG VESSEL,TOGETHER WITH HER HULL, TACKLE, ENGINES, GEARS, PLANT, MACHINERY,ARTICLES, THINGS, APPAREL, EQUIPMENT, STORES AND OTHER PARAPHERNALIA ON BOARD,PRESENTLY LYING AT THE ANCHORAGE AT PORT OF COCHIN,KERALA IN INDIAN TERRITORIAL WATERS.

This Admiralty suit having come up for orders on 18.07.2022, the court on the same day passed the following:



p.t.o

Sathish Ninan, J.

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Admiralty Suit.No.4 of 2022

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Dated this the 18th day of July, 2022

ORDER

Sri.V.J.Mathew, the learned Senior Counsel appears for the plaintiff.

The suit is filed seeking a decree for a sum of USD 23,503.14/- with interest @ 0.1% per day. The claim is for the value of bunkers supplied by the plaintiff to the defendant. On going through the averments in the plaint and also the affidavit filed in support of the application, I am satisfied that a *prima facie* case warranting an *exparte* order of arrest has been made out. Accordingly, a conditional order of arrest is issued.

2. *'MV MAIA-1' (IMO No.9358010), along with her hull, tackle, engine, machinery spares, gear, apparel, paraphernalia, furniture, etc, presently anchored in the Cochin Port Anchorage until an amount of USD*

23,503.14 equivalent to approximately INR 18,68,499.63 (1 USD=79.5 INR) due to the plaintiff is deposited before this Court or until the defendant furnishes security for the said amount to the satisfaction of this Court.

3. It is contended that the vessel is presently lying at the Cochin Port Trust within the territorial waters of this Court.

4. The plaintiff / petitioner shall furnish counter security for an amount of Rs.5,00,000/- (Rupees Five lakhs only) within a period of two weeks.

It is ordered that the Deputy Conservator of Ports, Cochin Port Trust, shall execute the warrant and effect the arrest, seizure and detention of the defendant vessel **MV MAIA-I**, along with its hull, tackle, engines, machinery, boards, bunkers, equipments, peripherals and other appurtenants as ordered above.

Sd/-
Sathish Ninan, Judge

rsr