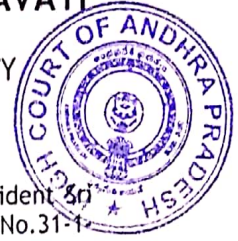


IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(ORDINARY ORIGINAL ADMIRALTY JURISDICTION)
SATURDAY, THE SIXTH DAY OF JUNE, TWO THOUSAND AND TWENTY



C.O.M.S. No. 6 of 2020

Between :-

M/s. Navship Marine Service Pvt. Ltd., represented by its Assistant Vice President Sri R. Narasimham (Babi), S/o. Late Sri . Varahalu, Office at Flat No. 104, D.No.31-1-29/2, NSN Towers, Vivekananda Colony, Allipuram, Visakhapatnam.

.....Plaintiff

AND

- 1.M.V. "NICOLAOS A", a vessel flying with IMO NO.9232151, Cyprus, along with All her hull, engines, gears, machinery, tackles, apparels, and paraphernalia, Presently at high seas which is arriving at the Visakhapatnam Port on 04-06-2020, in the territorial waters of India, within the Admiralty Jurisdiction Of this Hon'ble Court, Rep. by its Master.
- 2.M/s. TMC SHIPPING MIDDLE EAST DMCC, a company incorporated under the Relevant laws of UAE, having their office at 07th Floor, JBC 2 Tower, Jumeirah Lakes Towers, Dubai, UAE, Represented by its Managing Director And Chief Executive Officer, (As Owner's of m.v. "STRAITS BAY" as well as of m.v. 'NICOLAOS A').
- 3.The Commissioner of Customs, Custom House, Port Area, Visakhapatnam.
- 4.The Traffic Manager, Visakhapatnam Port Trust, Port Area, Visakhapatnam.
- 5.The Deputy Conservator, Visakhapatnam Port Trust, Port Area, Visakhapatnam.

.....Defendants

To

- 1.The Commissioner of Customs, Custom House, Port Area, Visakhapatnam.
- 2.The Traffic Manager, Visakhapatnam Port Trust, Port Area, Visakhapatnam.
- 3.The Deputy Conservator, Visakhapatnam Port Trust, Port Area, Visakhapatnam.

C.O.M.S. filed under Section 2(1)(c)(iii) of Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 Read with the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 of Original side of its Admiralty Jurisdiction, praying that in the circumstances stated in the petition and the affidavit filed therein, the High Court may be pleased to order

a) That the Defendants 1 & 2, jointly and/or severally, be ordered, directed and decreed to pay to the Plaintiff the sum of Rs.9,97,119.90 Ps (Rupees nine lakhs ninety seven thousand one hundred and nineteen and ninety paise only), along with 12% interest on the principal claim amount from the date of the Suit till payment/realization, plus costs, as per the Plaintiffs Particulars of Claim, ANNEXER A 14 thereto;

b) That the Defendant No. 1 Vessel M.V. "NICOLAOS A, together with her hull, engines, gears, machinery, tackles, apparels, and paraphernalia, at present at the Visakhapatnam Port, or wherever she is within the territorial waters of India, be arrested by a Warrant of Arrest of this Hon'ble Court and the same be condemned in respect of the Claim herein and be ordered to be sold along with her hull, engines, gears, machinery, tackles, apparels, and paraphernalia and the net sale proceeds thereof be ordered to be applied to the satisfaction of the plaintiffs claim herein and the cost of the Suit;

c) That pending the hearing and final disposal of thin Suit, the Defendant No. 1 Vessel, M.V. "NICOLAOS A together with her hull, engines, gears, machinery, tackles, apparels, and paraphernalia at the Visakhapatnam Port, or wherever she is within the territorial waters of India, be arrested by a Warrant of Arrest of this Hon'ble Court;

Contd..2...

d) That pending the hearing and final disposal of this Suit, the Defendant No. 1 Vessel, M.V. NICOLAOS A, together with her hull, engines, gears, machinery, tackles, apparels, and paraphernalia at the Visakhapatnam Port or wherever she is within the territorial waters of India, be ordered to be appraised and sold and the net Sale Proceeds thereof be ordered to be deposited in this Hon'ble Court to the credit of the Suit;

And whereas the Court upon perusing petition and the affidavit filed therein, and upon hearing the arguments of Sri Ravi Cheemalapati, Advocate for the plaintiff, ordered that arrest of respondent No.1 /defendant No.1-vessel M.V. "NICOLAOS A" IMO No.9232151, Cyprus together with her hull, engines, gears, tackles, machinery, articles, things, boats, bunkers, apparel, plant, furniture, fixtures, equipment, paraphernalia be issued;

Therefore, you, namely,

- 1.The Commissioner of Customs, Custom House, Port Area, Visakhapatnam.
- 2.The Traffic Manager, Visakhapatnam Port Trust, Port Area, Visakhapatnam.
- 3.The Deputy Conservator, Visakhapatnam Port Trust, Port Area, Visakhapatnam.

are hereby directed to arrest the 1st respondent/defendant vessel viz., M.V. "NICOLAOS A" IMO No.9232151, Cyprus together with her hull, engines, gears, tackles, machinery, articles, things, boats, bunkers, apparel, plant, furniture, fixtures, equipment, paraphernalia and all other appurtenances lying at the port and harbour of Visakhapatnam or wherever she is within the territorial waters of India, till 17.06.2020

You are further directed to execute the warrant through the port authorities. The respondent Nos. 3 to 4 hereby directed to detain the 1st respondent/defendant No.1 ship which is presently berthed at Visakhapatnam Port.

Herein fail not.


JOINT REGISTRAR 06/6/2020

To

- 1.M.V. "NICOLAOS A", a vessel flying with IMO NO.9232151, Cyprus, along with All her hull, engines, gears, machinery, tackles, apparels, and paraphernalia, Presently at high seas which is arriving at the Visakhapatnam Port on 04-06-2020, in the territorial waters of India, within the Admiralty Jurisdiction Of this Hon'ble Court, Rep. by its Master.
 - 2.M/s. TMC SHIPPING MIDDLE EAST DMCC, a company incorporated under the Relevant laws of UAE, having their office at 07th Floor, JBC 2 Tower, Jumeirah Lakes Towers, Dubai, UAE, Represented by its Managing Director And Chief Executive Officer, (As Owner's of m.v. "STRAITS BAY" as well as of m.v. "NICOLAOS A").
 - 3.The Commissioner of Customs, Custom House, Port Area, Visakhapatnam.
 - 4.The Traffic Manager, Visakhapatnam Port Trust, Port Area, Visakhapatnam.
 - 5.The Deputy Conservator, Visakhapatnam Port Trust, Port Area, Visakhapatnam.
(Addressees 1 to 5 BY SPEED POST along with a copy of petition and affidavit)
 - 6.One CC to Sri Ravi Cheemalapati, Advocate (OPUC)
 - 7.One spare copy.
- TKK

HIGH COURT

AVSS.J

DATE: 06-06-2020.

WARRANT

C.O.M.S. No. 6 of 2020

