

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

Monday, the 24th day of January 2022 / 4th Magha, 1943

ADM.L.S. NO. 1 OF 2022

PLAINTIFF:

GRACE YOUNG INTERNATIONAL CO. LTD. A COMPANY INCORPORATED UNDER THE LAWS OF REPUBLIC OF SOUTH KOREA HAVING ITS OFFICE AT RM 1002, HANARO BLDG, 25, INSA DONG-5, GIL, JONGRO GU. SEOUL, SOUTH KOREA, REPRESENTED BY POWER OF ATTORNEY HOLDER MR.T X HARRY, AGED 72 YEARS, S/O.MR.THUNDIPARAMBIL XAVIER ,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, MEERA ELSA GEORGE

DEFENDANTS NO 1 TO 2:

1. OWNERS AND PARTIES INTERESTED IN THE VESSEL MV OCEAN ROSE (IMO 9166950) AND HER OWNERS AND/OR MANGERS AND /OR MASTER AND ALL OTHER PERSONS CONCERNED INTERESTED IN HER, A FOREIGN FLAG VESSEL TOGETHER WITH HER HULL , TACKLE, ENGINES, GEARS, PLANT, MACHINERY, ARTICLES, THINGS, APPAREL, EQUIPMENT, STORES AND OTHER PARAPHERNALIA ON BOARD, AT PRESENT LYING IN THE PORT AND HARBOUR OF COCHIN. PORT IN INDIAN TERRITORIAL WATERS AND REPRESENTED BY HER MASTER.
2. THE DEPUTY CONSERVATOR, COCHIN PORT TRUST, W/ISLAND, COCHIN - 682003

This Admiralty suit having come up for orders on 24.01.2022, the court on the same day passed the following:

Devan Ramachandran, J.

Admiralty Suir No.1 of 2022

Dated this the 24th day of January, 2022

ORDER

Having heard Sri.V.J.Mathew, learned Senior Counsel, instructed by Sri.Vipin P.Varghese, learned counsel for the plaintiff and having examined the plaint, the affidavit of the constituted Attorney of the plaintiff and recording the undertaking of Sri.Vipin P.Varghese on behalf of his client to pay such sums by way of damages in the event of the defendant and/or such other affected parties sustaining prejudice by this order, I am of the opinion that a *prima facie* case, based on a maritime claim, has been made out by the plaintiff in seeking the arrest of the defendant Vessel **MV Ocean Rose**.

2. Hence, I do hereby direct that the Registrar issue an order of arrest of the defendant Vessel **MV Ocean Rose** along with her hull, tackle, engines, machinery, boats, bunkers, equipments, peripherals and other appurtenants lying at present at the Cochin Port Trust, within the territorial waters of this Court; and that the said arrest be executed at any time of day and/or night.

3. It is thus ordered that the Deputy Conservator of Ports, Cochin Port Trust, execute the warrant and effect the arrest, seizure and detention of the defendant Vessel **MV Ocean Rose**, along with its hull, tackle, engines, machinery, boards, bunkers, equipments, peripherals and other appurtenants.

I do further order that in the event the defendant depositing before this Court a sum of Rs.2,43,75,000/-, being the principal, along with the interest claimed and legal costs of Rs.25,000/-, towards satisfaction of the plaintiff's claim; or furnishing security for the said amount to the satisfaction of this Court, the order of warrant of arrest shall stand withdrawn.

Sd/-
Devan Ramachandran, Judge

tkv

Devan Ramachandran, J.

Admiralty Suit No.1 of 2022

Dated this the 24th day of January, 2022

ORDER

I have heard Sri.V.J.Mathew, learned Senior Counsel, instructed by Sri.Vipin P.Varghese, learned counsel for the plaintiff, in a special Online sitting, which commenced at 11.40 p.m. today, at the request of the plaintiff citing urgency; and am of the view that a *prima facie* case has been made out for arrest of the defendant Vessel **MV Ocean Rose**.

2. The Order for the warrant of arrest is issued separately.

Sri.V.J.Mathew, learned Senior Counsel, states that there is no caveat against the arrest of the defendant Vessel.

3. The plaintiff is granted liberty to forward a copy of the order of arrest to the Deputy Conservator of Ports, Cochin Port Trust, by fax/e-mail/hand delivery.

4. The undertaking of the learned counsel for the plaintiff that the order of arrest will be served on the Vessel and the Deputy Conservator of Ports, Cochin Port Trust, is accepted.

5. After execution of the arrest, if the defendant Vessel is not released upon furnishing security within fifteen days; or if an application for vacating the arrest is not filed; or the Vessel is found abandoned or unmanned, then, in such an event, on an application to be made by the plaintiff, the Deputy Conservator of Ports, Cochin Port Trust, shall present a report before this Court for auctioning the defendant Vessel within seven days from the date of receiving the communication from the learned counsel for the plaintiff.

6. The learned Standing Counsel for the second defendant is requested to communicate this order to the Deputy Conservator of Ports, Cochin Port Trust, forthwith for necessary action. It is so ordered.

List for further consideration on 27.01.2022.

Sd/-
Devan Ramachandran, Judge

tkv