



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 30.05.2025

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

A No.2427 of 2025
in
C.S.(Comm. Div) No.133 of 2025

M/s.S B P COLD STORAGE PRIVATE LIMITED

Represented by its Director

Mr.B.Prasanna Ramanujam

No.63/3, Cauvery Nagar

Back Side Sindhi College

Poonamallee High Road

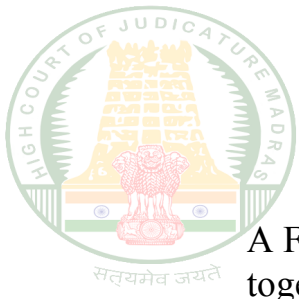
Velappanchavadi

Chennai 600 077

...Applicant

-VS-

1. Owners and Parties Interested in
Motor Vessel M.V.Hyundai Force
Having (IMO No:9347566)
A foreign-flagged vessel flying Marshal Islands
together with her hull, tackle, engines, gears, plant,
machinery, Articles, things, appurtenant, things,
Apparel and other Paraphernalia on board,
Presently lying at (KIT) Chennai,
Kattupalli International Container Terminal,
within Indian territorial waters, and represented by its
Master
2. Owners and Parties Interested in Motor Vessel
M.V.Hyundai Brave,
Having (IMO No:9346304)



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A Foreign-flagged vessel flying Republic of Korea,
together with her hull, tackle, engines, gears, plant,
machinery, Articles, things, appurtenant, things,
Represented by its Master

... Respondents

PRYAER: This application is filed under Order XIV Rule 8 read with Order XLII Rule III of Madras High Court Original Side Rules praying to arrest the 1st Defendant vessel M.V.Hyundai Force (IMO No,9347566 together with her hull, tackle, engines, machinery, boats, bunkers, equipments, paraphernalia and all other appurtenances presently lying at Port of Kattupalli within the territorial waters of India be arrested by a warrant of arrest of this Court and the same be condemned in respect of the claim herein and the ordered to be sold along with the hull, tackle, engines, machinery, boats, bunkers, equipment's, paraphernalia and the net sale proceeds thereof be ordered to be applied to the satisfaction of the Plaintiff herein within territorial waters of India and within the jurisdiction of this Court in the above pending disposal of the suit.

For Applicant : Adv Capt. V.J.Pushpa Kumar
For Respondents : Mr.Ashutosh Tiwari
for M/s.Deepika Murali
Mr.Harinarayanan



ORDER

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The suit was framed as an admiralty action in rem in respect of an alleged maritime claim. Such suit is accompanied by an application for arrest of the vessel M.V.Hyundai Force.

2. The respondents are on caveat. At the outset, learned counsel for the respondents submits that the vessel is not within the territorial waters and, therefore, this Court cannot exercise admiralty jurisdiction in rem. Without prejudice to this contention, in order to avert any hardship, learned counsel submits that the respondents are ready and willing to furnish security for the suit claim in the form of banker's cheque dated 29.05.2025 bearing cheque No.513777 and issued by the ICICI Bank Limited in the name of the Registrar General, High Court of Madras for a sum of Rs.29,34,604/-.

3. On perusal of the plaint, it appears that the suit claim is for a sum of Rs.29,34,604/- along with further interest thereon at 18% from the date of filing of the suit until realization. Therefore, the amount offered as a



security corresponds to the principal suit claim.

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3. In view of the respondents offering the security, albeit on without prejudice basis, A.No.2427 of 2025 is disposed of on the following terms:

(i) The original banker's cheque issued by the ICICI Bank for a sum of Rs.29,34,604/- in the name of the Registrar General, High Court of Madras, bearing banker's cheque No.513777 and dated 29.05.2025, shall be handed over to the Registrar General and copy thereof shall be provided to learned counsel for the applicant.

(ii) The Registrar General is directed to deposit the amount realized into an interest bearing fixed deposit account to the credit of the suit. Such deposit account be renewed periodically until disposal of the suit.

30.05.2025

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Encl.: Banker's Cheque No.513777



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SENTHILKUMAR RAMAMOORTHY J.

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