



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
THURSDAY, THE FIFTEENTH DAY OF JANUARY,
TWO THOUSAND AND TWENTY SIX

: PRESENT:

HONOURABLE SRI JUSTICE A HARI HARANADHA SARMA

I.A. No.1 of 2026

In

C.O.M.S (SR) No.1723 of 2026

OILMAR DMCC, A company incorporated under the laws of United Arab Emirates, having its Registered Office at 2107 & 2104, Indigo Icon Tower, JLT Dubai, United Arab Emirates, represented through its Authorised Representative, Mr. V. Venugopala Rao.

...Petitioner/Plaintiff

AND

1. **MV HOANH SON UNIVERSE (IMO No. 9302774)** A motor vessel flying the flag of Panama, along with all her hull, engines, gears, machinery, tackles, apparels, and paraphernalia, presently lying at Visakhapatnam Port, in the territorial waters of India, within the Admiralty Jurisdiction of this Hon'ble Court, C/o. Vung Ang International Sea, Service Administrative Zone, Vung Ang Industrial Zone & Sea Port, Vung Ang Ward, Ha Tinh City; Vietnam.

2. The Port Officer, Visakhapatnam Port and Harbour, The Visakhapatnam Port Authority, Having its office at Port Area, Visakhapatnam - 530035.

...Respondents/Defendants

Counsel for the Petitioner: Sri Sanjay Suraneni S

Counsel for the Respondent: ---

Petition under Order 39 Rule 1 & 2 r/w 151 of CPC, praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to pending hearing and disposal of the suit, the Defendant No.1 Vessel, **M.V. HOANH SON UNIVERSE (IMO No. 9302774)**, a motor vessel flying the flag of Panama along with her hull, tackle, boats, machinery, appurtenances and all other paraphernalia, presently at the port and harbor of Visakhapatnam, be arrested and detained under the orders of this Hon'ble Court and/or be restrained from sailing out of the port and harbour of Visakhapatnam Port, till security towards the Plaintiff's claim of USD 440,121.55 (United States Dollars Four Hundred and Forty Thousand One Hundred and Twenty One and Fifty Five Cents) in the suit/other appropriate proceeding is furnished and pass such other or further orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

THE COURT MADE THE FOLLOWING ORDER

It is represented that there is no Caveat.

- 1) This is an application filed invoking Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908 and Section 4 and 5 of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017.
- 2) The petitioner is the plaintiff in the suit C.O.M.S. (SR) No.1723 of

2026. In the present application, the petitioner prays for arrest and detention of the Vessel, (M.V. HOANH SON UNVIERSE (IMO No.9302774), a motor vessel flying the flag of Panama along with her hull, tackle, boats, machinery, appurtenances and all other paraphernalia) till security towards the petitioner/ plaintiff's claim of USD 440,121.55 is furnished and for passing appropriate orders.

3) The contention of the petitioner/plaintiff, in brief, is that the bunkers supplied by the petitioner/ plaintiff are received and consumed by the Defendant No.1 Vessel without any contemporaneous demur or protest. The supply was a non-gratuitous act and a commercial transaction. As per the representation of the Agent of the Defendant No.1 of the, the credit of the Vessel is also pledged. The plaintiff is entitled to recover the amount due by way of maritime claim against the Defendant No.1 through an action *in rem* by seeking arrest, detention and sale.

4) A legal notice was sent vide mail dated December, 16, 2025 and the same was replied by the Defendant No.1 mail dated December, 17, 2025, whereunder there is a clear acknowledgment of the receipt of the mail, claim and also undertaking to do the needful from the Defendant No.1.

5) The petitioner/plaintiff submits that the Defendant No.1 Vessel is in transit and now at Visakhapatnam Port. Learned counsel for the petitioner would also draw the attention of this Court to the Visakhapatnam Port Authority Traffic Department Information Annexure as an exhibit. It is also submitted by him that the Port Line Up (Berthing Schedule) downloaded from the Port Authority's website filed along with the suit confirms that the Defendant No.1 Vessel has arrived into the territorial waters on or around 12th January and is currently berthed at WQ2 berth and carrying

out discharge operations.

6) He would further submit that the unloading of cargo is being done and once the unloading of the cargo schedule is completed, the vessel may leave and the petitioner/ plaintiff will be remediless. Therefore, there is an urgency to arrest and seize the vessel to enable the petitioner/plaintiff to have the legal remedy.

7) Learned counsel for the petitioner/plaintiff would also submit that the petitioner/plaintiff is ready to offer all security for the loss that may be occasioned in the form of undertaking as contemplated under Rule 6 of the Andhra Pradesh High Court Admiralty (Jurisdiction and Settlement of Maritime Claims) Rules, 2024 and in fact, such submission is made in the plaint itself.

8) He would also further submit that in view of urgency, the mandatory mediation process may be dispensed with.

9) The mail correspondence between the plaintiff and the Defendant No.1, *prima facie*, vindicates the claim of the plaintiff.

“.....We acknowledge receipt of your e-mail and the attached final legal notice issued on behalf of your client, OILMAR DMCC, regarding the outstanding amounts in connection with the supply of bunkers to the vessel HOANH SON UNIVERSE. Please be assured that we are currently arranging internal approvals to settle the remaining outstanding principal together with the applicable interest. We are making every effort to complete the payment at the

earliest possible opportunity. We, kindly, request your understanding and cooperation while this process is being finalized. We will keep you closely informed of the payment progress and revert shortly with further updates.

Thank you for your patience and cooperation.....”

10) The presence of the Vessel within the jurisdiction of this Court, *prima facie*, shows tenability of the claim of the petitioner/plaintiff to invoke maritime jurisdiction.

11) Ordering the respondent/Defendant No.1 to furnish security with an alternative to arrest and detain the Vessel would preserve the right of the petitioner/plaintiff and the same showing the balance of convenience in favour of the petitioner/plaintiff. In the event of Vessel of the respondent No.1/Defendant No.1 departing from the territorial waters jurisdiction of this Court, the petitioner/plaintiff will suffer loss. Therefore, all the necessary ingredients for granting ad-interim temporary orders for a limited period found present. Hence, the prayer of the petitioner/plaintiff in that regard found justified.

12) For the reasons stated above:-

i) there shall be to arrest of the Respondent No.1/Defendant No.1's Vessel M.V. HOANH SON UNVIERSE (IMO No.9302774), a motor vessel flying the flag of Panama along with her hull, tackle, boats, machinery, appurtenances and all other paraphernalia, presently at Port Harbour, Visakhapatnam, within the territorial waters jurisdiction of this Court, in the event of Respondent No.1/Defendant No.1 failure to furnish security for USD 440,121.55, in the form of a bank guarantee within twenty four

(24) hours of the service of the arrest warrant, to the satisfaction of the Principal District Judge, Visakhapatnam.

ii) the Principal District Judge, Visakhapatnam, will extend necessary assistance by deputing necessary staff for the above purpose.

iii) the Respondent No.2/Defendant No.2-Visakhapatnam Port Authority shall provide access and necessary assistance for implementation of the orders.

iv) Warrant will be returned as early as possible with a detailed report, preferably on or before 22.01.2026, stating the manner in which it has been executed.

v) The petitioner/plaintiff shall take personal notice to the Defendants/respondents through Speed Post/e-mail and personal notice is also permitted;

vi) The petitioner/plaintiff shall transmit all copies of the present proceedings both main suit and the Interlocutory Application to the respondents/ Defendants through Speed Post and also e-mail, within twenty four (24) hours;

vii) List the matter on 22.01.2026.


COURT OFFICER

TRUE COPY

TO

1. **The Registrar (Judicial)**, High Court of Andhra Pradesh at Amaravati.
2. The Principal District Judge, Visakhapatnam District at Visakhapatnam.
(By Speed Post)
3. The Port Officer, Visakhapatnam Port and Harbour, The Visakhapatnam Port Authority, Having its office at Port Area, Visakhapatnam - 530035.**(By Speed Post)**
4. **MV HOANH SON UNIVERSE (IMO No. 9302774)** A motor vessel flying the flag of Panama, along with all her hull, engines, gears, machinery, tackles, apparels, and paraphernalia, presently lying at Visakhapatnam Port, in the territorial waters of India, within the Admiralty Jurisdiction of this Hon'ble Court, C/o. Vung Ang International Sea, Service Administrative Zone, Vung Ang Industrial Zone & Sea Port, Vung Ang Ward, Ha Tinh City, Vietnam.
5. One CC to Sri Sai Sanjay Suraneni, Advocate [OPUC]
6. The Section Officer, O.S Section, High Court of Andhra Pradesh, Amaravati
7. One spare copy

HIGH COURT

AHHS, J

DATED: 15/01/2026

LIST THE MATTER ON 22.01.2026.

I.A. No.1 of 2026

In

C.O.M.S (SR) No.1723 of 2026

DIRECTION



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

THURSDAY, THE FIFTEENTH DAY OF JANUARY,

TWO THOUSAND AND TWENTY SIX

: PRESENT:

HONOURABLE SRI JUSTICE A HARI HARANADHA SARMA

I.A. No.1 of 2026

In

C.O.M.S (SR) No.1723 of 2026

OILMAR DMCC, A company incorporated under the laws of United Arab Emirates, having its Registered Office at 2107 & 2104, Indigo Icon Tower, JLT Dubai, United Arab Emirates, represented through its Authorised Representative, Mr. V. Venugopala Rao.

...Petitioner/Plaintiff

AND

1. **MV HOANH SON UNIVERSE (IMO No. 9302774)** A motor vessel flying the flag of Panama, along with all her hull, engines, gears, machinery, tackles, apparels, and paraphernalia, presently lying at Visakhapatnam Port, in the territorial waters of India, within the Admiralty Jurisdiction of this Hon'ble Court, C/o. Vung Ang International Sea, Service Administrative Zone, Vung Ang Industrial Zone & Sea Port, Vung Ang Ward, Ha Tinh City, Vietnam.

2. The Port Officer, Visakhapatnam Port and Harbour, The Visakhapatnam Port Authority, Having its office at Port Area, Visakhapatnam - 530035.

...Respondents/Defendants

Whereas Petition under Order 39 Rule 1 & 2 r/w 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to pending hearing and disposal of the suit, the Defendant No.1 Vessel, **M.V. HOANH SON UNIVERSE (IMO No. 9302774)**, a motor vessel flying the flag of Panama along with her hull, tackle, boats, machinery, appurtenances and all other paraphernalia, presently at the port and harbor of Visakhapatnam, be arrested and detained under the orders of this Hon'ble Court and/or be restrained from sailing out of the port and harbour of Visakhapatnam Port, till security towards the Plaintiff's claim of USD 440,121.55 (United States Dollars Four Hundred and Forty Thousand One Hundred and Twenty One and Fifty Five Cents) in the suit/other appropriate proceeding is furnished and pass such other or further orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

And whereas the court upon perusing the suit and the affidavit filed in support thereof and upon hearing the arguments of Sri Sanjay Suraneni S, Advocate for the Plaintiff, directed the Registry to issue warrant of arrest against the Respondent No.1/Defendant No.1's vessel "**MV HOANH SON UNIVERSE (IMO No. 9302774)**" a motor vessel flying the flag of Panama along with her hull, tackle, boats, machinery, appurtenances and all other paraphernalia, presently at Port Harbour, Visakhapatnam, within the territorial waters jurisdiction of this Court.

Therefore You viz;

The Port Officer, Visakhapatnam Port and Harbour, The Visakhapatnam Port Trust

are hereby directed to execute the Warrant and arrest the Respondent No.1/Defendant No.1's vessel "**MV HOANH SON UNIVERSE (IMO No.**

9302774)" a motor vessel flying the flag of Panama along with her hull, tackle, boats, machinery, appurtenances and all other paraphernalia, presently at Port Harbour, Visakhapatnam, within the territorial waters jurisdiction of this Court, in the event of Respondent No.1/Defendant No.1 failure to furnish security for USD 440,121.55, in the form of a bank guarantee within twenty four (24) hours of the service of the arrest warrant, to the satisfaction of the Principal District Judge, Visakhapatnam.

You are also directed to provide access and necessary assistance for implementation of the orders.

You are hereby informed that the Principal District Judge, Visakhapatnam, is directed to extend necessary assistance by deputing necessary staff for the above purpose.

You are hereby directed to return the warrant as early as possible with a detailed report, preferably on or before 22.01.2026, stating the manner in which it has been executed.

Herein fail not.



COURT OFFICER

To

1. **The Registrar (Judicial)**, High Court of Andhra Pradesh at Amaravati.
2. The Principal District Judge, Visakhapatnam District at Visakhapatnam.
(By Speed Post)
3. The Port Officer, Visakhapatnam Port and Harbour, The Visakhapatnam Port Trust, a body corporate constituted under the Major Port Trusts Act, 1963, having its office at Port Area, Visakhapatnam - 530035.**(By Speed Post)**
4. One Spare copy

HIGH COURT

AHHS, J

DATED: 15/01/2026

LIST THE MATTER ON 22.01.2026

ORDER

I.A. No.1 of 2026

In

C.O.M.S (SR) No.1723 of 2026

WARRANT OF ARREST

