



महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-क

वर्ष ६, अंक ७(३)]

गुरुवार, फेब्रुवारी १३, २०२०/माघ २४, शके १९४१

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असाधारण क्रमांक १५

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाव्यतिरिक्त इतर वैधानिक प्राधिकाऱ्यांनी तयार केलेले

(भाग एक, एक-अ व एक-ल यांमध्ये प्रसिद्ध केलेले वैधानिक नियम व आदेश यांव्यतिरिक्त इतर)

वैधानिक नियम व आदेश ; यात भारत सरकार, उच्च न्यायालय, पोलीस आयुक्त, आयुक्त (राज्य उत्पादन शुल्क), जिल्हादंडाधिकारी व निवडणूक आयोग, निवडणूक न्यायाधिकरण, निवडणूक निर्णय अधिकारी व निवडणूक आयोगाखालील इतर प्राधिकारी यांनी तयार केलेले वैधानिक नियम व आदेश यांचा समावेश होतो.

THE HIGH COURT OF JUDICATURE
ORIGINAL SIDE AT BOMBAY

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTIFICATION

No. G/Amend/12879.—In exercise of powers conferred under Section 16(2A) of The Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017, the Hon'ble Chief Justice and Hon'ble Judges of the Bombay High Court are hereby pleased to direct following amendment to the "Bombay High Court (Original Side) Rules, 1980";

1. Delete existing Rules No. 927 to 968 of the Bombay High Court (Original Side) rules, 1980 i.e. Rules for regulating the procedure and practice in cases brought before the High Court under the Colonial Courts of Admiralty Act, 1890 (53-54 Victoria Ch. 27) stipulated under Part-III-under the head of Admiralty Jurisdiction.

2. After Chapter LIX of the Bombay High Court Original Side Rules, 1980, the following be inserted.

CHAPTER-LX

SPECIAL JURISDICTION: ADMIRALTY JURISDICTION

RULES FOR REGULATING THE PROCEDURE AND PRACTICE IN CASES BROUGHT BEFORE THE HIGH COURT UNDER THE ADMIRALTY (JURISDICTION AND SETTLEMENT OF MARITIME CLAIMS) ACT, 2017.

1063. Definitions.—(1) In this Chapter, unless there is anything repugnant in the subject or context:

- (a) "Suit in rem" means an Admiralty action in rem;
- (b) "Court" means the High Court of Judicature at Bombay;
- (c) "Judge" means a Judge of the court exercising admiralty jurisdiction and powers under the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017;
- (d) "Limitation action" means a suit commenced for setting up a limitation fund under the Merchant Shipping Act, 1958 as amended from time to time;
- (e) "Officer designated by Registrar-General" means the Admiralty Registrar of the court;
- (f) "Registry" means the office of the Registrar(O.S.)/Prothonotary and Senior Master;
- (g) "Sheriff" means Sheriff of Mumbai or Deputy Sheriff or other officer who may be appointed to execute the process of the court;
- (h) "Suit" means any suit, action or other proceeding instituted in the court in its admiralty Jurisdiction.

(2) The words and expressions used herein but not defined and defined in the Admiralty (Jurisdiction and Settlement of Maritime claims) Act, 2017 and the Merchant Shipping Act, 1958 shall have the meanings respectively assigned to them in those Acts.

1064. Institution of suits.—A suit shall be commenced by a plaint signed and verified according to the provisions of the Code of Civil Procedure, 1908 and by these rules.

1065. Admiralty Suit Register.—All suits filed in the admiralty Jurisdiction of this Court, whether *in rem* or *in personam*, shall be entered in a book to be kept in the registry called "Admiralty Suit Register" in which the number of the suit and the names of the parties will be entered including the name of the ship or its sale proceeds.

1066. Application to arrest ship in a suit in rem.—If the suit is in *rem*, an application for arrest of any ship proceeded against shall be made to the court and shall be supported by an affidavit. The affidavit shall state the nature of the claim and that it has not been satisfied. It shall also state the nationality of the ship to be arrested and the port at which it is to be arrested and whether a valid caveat against arrest has been filed.

1067. Undertaking in damages.—A party applying under Rule 1066 shall give an unconditional and irrevocable undertaking in writing to pay such sum of money or kind of security in such sum and upon such terms as may be determined by the court for any loss or damage which may be incurred by or caused to the defendant or any other party as a result of the arrest of the ship and for which the plaintiff may be found liable. This undertaking shall not stand discharged or released notwithstanding any order permitting the suit to be withdrawn.

1068. Execution of warrant of arrest of ship.—

- (a) A ship may be arrested under a warrant of arrest issued pursuant to an order of arrest made by the court.