e-court

District Court, Vizianagaram,
Date : .08.2025.

Copy of Andhra Pradesh Gazette No. 8, dated 01.10.2024 (Notification No. 20/SO/2024), in Honourable High Court's Endt. ROC No.118/SO/2019 dt.25.07.2025, communicated to all the Judicial Officers in the Vizianagaram Judicial District, for information.

Sd/ M. Babitha

Principal District Judge,
Vizianagaram.

True Copy / By Order

p/c B. Sree-vay

Chief Administrative Officer,
District Court, Vizianagaram.

Copy to :-

The **System Officer, e-Courts** Project, District Court, Vizianagaram, with a direction to send the copy of the same **to all the Judicial Officers relating to the unit of Vizianagaram District Judiciary, through their respective official mails** and to upload the same in District Court website **vizianagaram.dcourts.gov.in** and also place the same in the **group of Chief Ministerial Officers** of Vizianagaram Judicial District.

.Dis.No. 3422 **Date :** 26 **-08-2025.**

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RIGHT TO INFORMATION

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THE ANDHRA PRADESH GAZETTE

PUBLISHED BY AUTHORITY

RULES SUPPLEMENT TO PART II EXTRAORDINARY

No.8 AMARAVATI, SATURDAY, OCTOBER 19, 2024 **G.561**

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HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

ROC.No.118/SO/2019. **Dated: 01.10.2024.**

ANDHRA PRADESH HIGH COURT ADMIRALTY (JURISDICTION AND SETTLEMENT OF MARITIME CLAIMS) RULES, 2024.

NOTIFICATION No. 20/SO/2024

These Rules are made in exercise of powers conferred by Section 16 (2) (a) of the ***Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017*** and under Article 225 of the Constitution of India and all other powers hereunto enabling it in this behalf, the High court of Andhra Pradesh hereby makes following Rules for regulating the practice and procedure of Admiralty jurisdiction including fees,costs and expenses in such proceedings.

Chapter I

1) Short title & commencement:

(a) These Rules shall be hereinafter be called ***Andhra Pradesh High Court Admiralty (Jurisdiction and Settlement of Maritime Claims) Rules,2024.***

(b) They shall come into force from the date of their publication in the Official Gazette.

2. Definitions

In the construction of these rules, the following terms shall (if not inconsistent with the context or subject matter) have the respective meanings hereinafter assigned to it, that is to say:

(a) ***'Act'*** means The Admiralty (Jurisdiction and Settlement of Maritime Claims) Act,2017.

(b) ***'Action in Personam'*** or 'Suit in Personam' means Admiralty Action in Personam stipulated in Section 6 of the Act.

(c) ***'Action in Rem'*** or 'Suit in Rem' means Admiralty Action in Rem for enforcement of any of the maritime claims stipulated in Section 4 of the Act.

(d) ***'Court*** 'means the High Court of Andhra Pradesh at Amaravati.

(e) ***"Judge"*** means a designated Judge of the Court exercising admiralty jurisdiction and powers under the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017.

(f) ***"Registry"*** shall mean the Office of the Registrar.

(g) ***"Registrar"*** shall mean the Registrar (Judicial) of the Court or other officer who may be authorised to perform the duties of such Registrar by the Chief Justice.

(h) ***"Suit"*** shall mean any suit, action or other proceeding instituted in the said Court in its admiralty jurisdiction.

(i) ***"Affidavit"*** shall in addition to its ordinary meaning, include a statement in writing on solemn affirmation wherever a person may make a solemn affirmation instead of an oath.

(J) ***"Nazir/Superintendent"*** shall mean an officer who may be authorized by the Principal Civil Court of the District/District Court in whose jurisdiction the defendant vessel/the port/or other property to be proceeded against is situate, to execute the process of the Court.

(k) ***"Port Authority"*** means the officer-in-charge of the port in whose jurisdiction the suit vessel/cargo/or other property to be proceeded against is situated.

Chapter II

3) Institution of Suits:

(a) Every suit shall be instituted by presentation of plaint drawn up,subscribed and verified as per the provisions of Code of Civil Procedure,1908 as applicable to Commercial suit.

(b) Every suit shall be presented before the Registry either in person duly identified by an Advocate or through an Advocate.

(c) Every suit shall be given the nomenclature "Admiralty suit".

(d) The provisions of Civil Procedure Code,1908 as applicable for Commercial court under The Commercial Courts Act,2015 shall be applicable to the proceedings before this High court.

(e) The suit shall be heard by a Single Judge of the court irrespective of the value of the claim.

(4) Admiralty Suit Register - All suits filed in the admiralty jurisdiction of the Court, whether in rem or in personam, shall be entered in a book kept in the Registry called ***"Admiralty Suit Register"*** in which the number of the suit, the names of the parties and the name of the ship, in addition to the particulars required to be stated in the original suit register, will be entered.

(5) Application to arrest ship in a suit in rem

(A) In suits in rem, the defendants may, subject to such variation as the circumstances may require, be described as the owners and parties interested in the vessel or other property proceeded against, instead of by name.

(B) In suits in rem, a warrant for the arrest of property may be issued in Form (2) at the instance either of the plaintiff or of the defendant at any time, after the suit has been instituted, but no warrant of arrest shall be issued until an affidavit by the party or his agent has been filed, and the following provisions complied with:

(i) The affidavit shall contain the following particulars;

(a) The name and description of the party at whose instance the warrant is to be issued, the nature of the claim or counterclaim, the name and nature of the property to be arrested, and that the claim or counterclaim has not been satisfied.

(b) The name and address of the person who is liable for maritime claim.

(c) The name, nature and national character of the property to be arrested and the name of the owner thereof.

(ii) In a suit for wages or for possession, the affidavit shall state the national character of the vessel proceeded against and if against a foreign vessel, that notice of the institution of the suit has been sent by registered post/speed post to the nearest consul or diplomatic representative in India of the Nation to which the vessel belongs and a copy of the notice shall be annexed to the affidavit.

(iii) In a suit for bottomry, the bottomry bond and if in a foreign language also a notarial translation thereof, shall be produced for the inspection and perusal of the Registrar, and a copy of the bond, or of the translation thereof in English, certified to be correct shall be annexed to the affidavit.

(iv) In a suit for distribution of salvage, the affidavit shall state the amount of salvage money awarded or agreed to

be accepted, and the name and address and description of the party holding the same.

(6) Undertaking in damages-

(i) A party applying under Rule 5 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.

(ii) This undertaking shall not stand discharged or released notwithstanding any order permitting the suit to be withdrawn.

(7) Dispensing with particulars in certain cases -

The Court or Judge may in any case, if deemed fit, allow the warrant to issue, although the affidavit in Rule 5 mentioned may not contain all the required particulars and in a suit for wages, the Court or Judge may also waive the service of the notice, and in a suit for bottomry the production of the bond.

Chapter III

(8) Suit in rem when service is not required-

(i) In suits in rem, no service of process or warrant shall be required when the defendant,his agent or his advocate waives service and undertakes in writing to appear and to give security or to pay money into Court in lieu of security.

(ii) An agent not entering appearance or giving security or paying money into Court in lieu of security in a suit in rem, in pursuance of his written undertaking shall be liable to be proceeded against in personal capacity also.

(9) Service by whom made:

(i) Every warrant of arrest or process to be served shall be executed by the Nazir / Superintendent or the port authority.

(ii) Every warrant or process shall be returned to the Registry within seven days from the date of execution.

(10) Service of summons or warrant of arrest or order of arrest in a suit in rem how effected.-

(a) In a suit in rem, summons, warrant of arrest or order of arrest shall be served on the ship against which the suit is brought.

(b) Service shall be effected by serving the original summons or warrant of arrest or order of arrest on the master of the ship or by affixing the original warrant on any conspicuous part of the vessel or any in manner as directed by the Judge.

(c) If the cargo had landed or was transhipped,service of warrant to arrest the cargo and freight shall be effected by placing the writ of summons or warrant on the cargo.

(d) If the cargo is in the custody of a person who does not permit access to it, service of warrant of arrest may be made upon the custodian.

(e) The plaintiff shall serve a copy of the plaint and all other proceedings and documents upon the defendant or his agent or his advocate on giving an undertaking to enter appearance on behalf of the ship and/or its owner as mentioned in Rule 8.

(11) Service of Process in a suit in personam:

(a) In the case of a suit in personam or in a suit where any of the defendants is sued in personam, service of summons on such defendant would be in accordance with the prevailing rules and practice.

(b) In the case of any defendant sued in personam, service of summons and process out of the territorial jurisdiction of the Court or out of India is permissible only with leave of the Court, if,

(i) The defendant at the time of commencement of action by the Court is ordinarily a resident or has a place of business within the territorial jurisdiction of the court or

(ii) Part of the cause of action arose within the territorial limits of the court, or;

(iii) The defendant has submitted or agreed to submit or acquiesced to the jurisdiction of the Court.

12. Arrest of ship not to prevent loading/discharge, etc.:

The arrest of a ship shall not prevent loading and/or discharging of cargo or the ship being shifted within the port limits under directions of the Port Authority.

(13) Registrar may apply for direction:

(i) The officer serving the process may at any time make a report to the Registrar and on his report, the Registrar shall file an application to the court and apply for directions with respect to the vessel/cargo under arrest in the suit.

(ii) The Court may thereupon direct notice of the application to be given to any person concerned with the property before passing orders on the application filed by the Registrar.

(iii) In the event any expenses are required to be incurred during the period of the arrest for the safety and preservation of the ship and its crew, the Registrar shall make a report to the court and the court, shall after hearing the parties, direct payment of such sums as the court may deem fit by any party for incurring such expenses, which shall be treated as maintenance expenses.

(iv) These expenses shall be paid in priority to the Registrar from the sale proceeds of the ship or by the defendant or other party seeking release of the ship as the case may be, and the same shall be reimbursed to the parties who have paid the amounts to the Registrar in the first instance.

Chapter IV

14. Caveat against release of arrested ship:

Any person desiring to prevent the release of any ship under arrest shall file in the Registry a memo/petition, signed by himself or his advocate, who may be acting for him, requesting for entering caveat against the release of such ship. The caveat shall contain the name, address, phone number and email address of the caveator and/or his advocate, as the case may be, and the nature and amount of the claim of the caveator. Caveat against the release of the ship shall thereupon be entered in a book to be kept in the Registry, called "Caveat Release Book" containing details referred to above along with proof of service of such caveat.

15. Caveat against payment out of sale proceeds of ship:

Any person desiring to prevent payment out of Court of any money in Court representing the proceeds of sale of any ship shall file in the Registry a memo/petition signed by himself or his advocate who may be acting for him, requesting for entering caveat against payment out of such proceeds of sale. Caveat against payment out of Court of such sale proceeds shall thereupon be entered in a book to be kept in the Registry, called the "Caveat Payment Book". The caveat shall contain the name, address, phone number and email address of the caveator and/or his advocate, as the case may be. The caveat shall mention the amount, nature and details of the claim of the caveator and details of any suit or proceedings in respect thereof. Such details shall be entered in the Caveat Payment Book along with proof of service of such caveat.

16. Ship not to be released and payment out of sale proceeds of ship not to be made unless notice is given to the caveator:

(a) No ship arrested under a warrant or order shall be ordered to be released and no payment out of sale proceeds of any ship shall be made, unless two working days' notice is given to the person who has filed a caveat against the release of the ship or

caveat against payment out of sale proceeds of the ship and whose caveat is valid at the time of giving such notice.

(b) The Court, however for valid reasons may overrule a caveat on an application made to the Court duly supported by an affidavit

17. Duration of caveat:
A caveat, whether against the issue of a warrant or order of release of ship or payment of money out of its sale proceeds, shall be valid for six months from the date of its entry. The period of validity of a caveat shall not be extended, though the caveator shall not be prevented from entering successive caveats.

18. Withdrawal of caveat:
A caveat may be withdrawn by the party on whose behalf it has been entered, but the memo/petition to withdraw the caveat shall, unless otherwise permitted by the Admiralty Registrar, be signed by the person who signed the memo/petition for entering the caveat.

19. Discharge and setting aside of caveat:

(a) A caveat against release of any ship shall stand discharged upon an order for release of the vessel provided two working days' notice prior to the application for release of the arrested ship is given to the caveator.

(b) An application to set aside a caveat may also be made by an interim application supported by an affidavit.

(c) The party delaying the release of any ship by entry of a caveat shall be liable to pay costs and damages in respect of the loss suffered by the applicant by reason of the delay caused due to the entry of the caveat, unless he shall show, to the satisfaction of the Court, good and sufficient reason for having entered the caveat.

20. Service of plaint and proceedings on party entering caveat:
Any person before applying for arrest of any ship shall serve a copy of the plaint upon the party on whose behalf the caveat has been entered in the Caveat Warrant Book or upon his advocate

and make a statement to that effect in the affidavit in support of the application for arrest.

21. Party entering caveat to give security:

Within three days from the service of a copy of the plaint, the party on whose behalf the caveat has been entered shall, if the sum for which the suit has been instituted does not exceed the amount for which he has undertaken, give security in such sum or pay the same into the Registry, or if it exceeds that amount give security in the sum for which the suit has been instituted or pay the same into the Registry.

22. Penalty for delaying release:

A party delaying the release of any property by the entry of caveat shall be liable to be condemned in costs and damages, unless he shall show to the satisfaction of the Court, good and sufficient reason for having entered the caveat.

Chapter V

23. Suit may be proceeded ex-parte:

(i) In Suits in rem, after the expiration of fourteen days from the date of service of summons or warrant, if there is no appearance in the suit, the court may proceed with the suit ex-parte.

(ii) After the expiration of fourteen days from the service of a copy of the plaint, if the party on whose behalf the caveat has been entered has not given security of such sum, or paid the same into the Registry, the court may proceed with the suit exparte.

Provided that the Court may on good cause shown and on such terms as to payment of costs, as it may impose, extend the time for giving security or paying money into the Registry.

24. Judgement and enforcement of payment:

When the suit comes before the court, if the court is satisfied that the claim is well founded,it may pronounce judgement for the amount which appears to be due, and may enforce the payment

thereof by order and attachment against the party on whose behalf the caveat has been entered, and by the arrest of the ship if it then be, or thereafter comes, within the jurisdiction of the court.

25. Application for sale of arrested ship:

(i) In a suit in rem, if the ship proceeded against has been arrested, the plaintiff may, at any time after service of summons or warrant of arrest or order of arrest upon the defendant, apply to the court by way of an interim application for an order of sale of, the arrested ship by the Nazir/Port authority and payment of sale proceeds into the Registry to the credit of the suit.

(ii) The court, if satisfied that the claim of the plaintiff is well founded, may order sale of the ship and the sale proceeds be paid into the registry.

Chapter VI

26. Port Authority may apply for direction:

The port authority, where the ship is berthed and arrested and is subject matter of a suit before the Admiralty Court, may at any time make a report to the Court and apply for directions with respect to the ship under arrest in a suit. The Court may direct notice of the application to be given to any person concerned with the ship before passing orders on the report.

27. Expenses of the Port Authorities:

In the event,any statutory expenses are required to be incurred by the port during the period of the arrest for the safety and preservation of the ship and its crew/cargo, the custodian of the port authority shall make a report to the Court and the Court shall, after hearing the parties, direct payment of such sums, as the Court may deem fit by any party for incurring such expenses, which shall be treated as port expenses. These expenses shall be paid in priority to the port from the sale proceeds of the ship or by the defendant or other party seeking release of the ship as the case may be, and the same shall be reimbursed to the parties who have paid the amounts to the port at the first instance.

Chapter VII

28. Interveners:

(a) Where a ship against which a suit in rem is brought is under arrest or money representing the proceeds of sale of that ship is in Court, a person who has interest in that ship or money but who is not a defendant to the suit may, with the leave of the Judge, intervene in the suit.

(b) An application for grant of leave under this rule may be made ex parte by an affidavit showing the interest of the applicant in the ship against which the suit is brought or in the money held in Court.

(c) A person to whom leave is granted to intervene shall thereupon become a party to the suit and shall file an appearance in person or by vakalatnama within the period specified in the order granting leave. On filing such an appearance or vakalatnama, the intervener shall be treated as if he were a defendant in the suit.

(d) The Judge may order that a person to whom he grants leave to intervene in a suit, shall, within such period as may be specified in the order, serve on every other party to the suit such pleading as may be specified.

29. Order for sale of ship and determination of priority of claims:

(a) Where in a suit in rem the ship proceeded against is sold and the sale proceeds are paid into Court, any party who has obtained or obtains a decree or judgement against such ship or proceeds of sale may apply to the Court by interim application for an order determining the order of priority of claims against the proceeds of sale of such ship.

(b) All persons who have filed caveats against payment out of sale proceeds of the ship shall be joined in the interim application and be heard.

(c) The order of priorities shall be in accordance with the provisions of Sections 9 and 10 of the Admiralty (Jurisdiction and Settlement of Maritime claims) Act, 2017 read with these rules.

(d) When an application is made under sub-rule (a), the Nazir/port authority shall send for publication in two well circulated newspapers as the Court may direct.

(e) The court may for sufficient reasons dispense with publication of notice in newspapers.

(f) The notice referred to in sub-rule (d) shall state -

(i) that the ship with specific particulars has been sold by an order of the High Court in a suit in rem and giving the number of the suit and the names of the parties to the suit;

(ii) that the gross proceeds of the sale, specifying the amount thereof, have been paid into Court;

(iii) that the order of priority of claims against the sale proceeds will not be determined until the expiration of the period of 30 days from the date of publication.

(iv) that any person having a claim against the ship or the proceeds of sale thereof, should file a suit to prove his claim before the expiration of the period of 30 days from the date of publication.

(g) The Nazir/port authority shall lodge in the Registry a copy of each newspaper in which the notice referred to in sub-rule (d) has appeared.

(h) The expenses incurred by the Nazir/port authority in complying with an order of the Court under this rule shall be included in his expenses relating to the sale of the ship. Any expenses incurred by the Nazir/port authority, shall, at the first instance, be paid by the party at whose request the order under sub-rule (a) is made. The party shall be entitled to be reimbursed such expenses

incurred from the sale proceeds paid into Court or as directed by the Court.

(i) An application to extend the period referred to in sub-rule (f) (iii) shall be made by interim application in the suit in which any order for determination of priorities is sought, with notice to all persons who have filed a suit against the ship or its sale proceeds or have filed a caveat against payment of sale proceeds of the ship.

(j) If upon determination of the order of priorities to the Court that any party who has obtained a decree is entitled to be paid in priority over all other claims then such party shall be at liberty to file an interim application for payment out of the sale proceeds.

30. Publication of notice inviting claims after sale of ship - Notwithstanding what is stated in Rule 28, the Court, on an application of any party who has a claim against the ship or its sale proceeds, may, after the sale proceeds are paid into Court, direct for publication in such newspapers as the Court may direct a notice in accordance with sub-rule (d),(f),(g) and (h) shall apply to such notice.

31. Release of arrested ship -

Subject to the provisions of this rule, a ship arrested may be ordered to be released:

(a) At the request of the plaintiff, and after notice to all persons whose caveats entered in the Caveat Release Book are valid before an appearance in person or a vakalatnama is filed by the defendant; or

(b) On the defendant or an intervenor who has interest in the arrested ship, furnishing security

(i) By paying into Court the amount ordered by the Court to be deposited by way of security in the suit; or

(ii) By providing a bank guarantee in the suit in accordance with Rule 39 for such amount as may be ordered by the Court; or

(iii) In such amount or in such manner as may be agreed between the parties.

(c) On any other ground that the Court may deem just and proper on an application made for release of the arrested ship.

32. Notice of Order of release of arrested ship:

A ship arrested under an order of arrest shall only be released by an order of the Court and upon notice to the port authority and to all parties who have filed a caveat against release of the arrested ship.

33. Security by third party -

In the event security as provided in Sub- Rule (b) of Rule 31 is furnished by an intervenor, such security will be available to the plaintiff in the event the plaintiff succeeds in the suit in respect of the claim against the ship and/or its owners.

34. Return of security -

Nothing in these rules shall preclude a defendant from making an application to the Court at any stage for return and/or reduction of any amount deposited in Court or for return and/or reduction of security provided for release of the arrested ship.

35. Release by port authority on lodging memo/petition with the order of release -

The order of release when obtained shall be lodged with a memo/petition in the office of the port authority by the party obtaining the same and the port authority shall thereupon release the ship by taking all necessary steps in that regard and communicating the order of release to the relevant port and customs authorities as the case may be.

36. Payment of monies:
All monies to be paid into Court shall be paid to the Admiralty Registrar.

*(Admiralty Registrar shall have an account which is operable with foreign currency and amounts if received in foreign currency shall be processed in the said account).

37. Payment of money out of Court:
Money paid into Court shall not be paid out of Court except in pursuance of an order of the Court.

38. Table of Fees payable to the Nazir/port authority:
The fees payable to the Nazir/port authority for suits and matters covered by these rules shall be as follows:-

Sl.No.	Fees for or on	Rs.
1	Fees for serving each summons or notice to a defendant or a witness	2000-00
2	Fees for executing a warrant of arrest or order of arrest	2000-00
3	Fees for serving any injunction, order or process not otherwise provided for	2000-00
4	Fees for lodging any caveat	2000-00

39. Claims for compensation:
Any claim for payment of damages as compensation for any loss sustained by an order of arrest may be made by way of an interim application or suit or counter claim.

40. Security:
Unless otherwise ordered by the Court or agreed by the parties, security shall be given by payment into Court or by way of a bank guarantee payable to the Registrar Admiralty.

41. Claim for salvage of cargo:
Notwithstanding anything contained in these rules, in case of a suit for salvage, if there is a claim against cargo on board the ship or onshore, it shall be open to the claimant to institute a suit in rem against the cargo and the provisions of these rules shall apply *mutatis mutandis* to such suit as if the property to be arrested is cargo in place of the ship.

42. These rules shall also be applicable to proceedings filed under the Merchant Shipping Act, 1958 as amended from time to time.

43. For the purposes of Limitation of Liability under Part XA of the Merchant Shipping Act, 1958 the following shall apply:-

(a) *Limitation of Liability - Any application for limitation of liability filed under Part XA of the Merchant Shipping Act, 1958, as amended, shall be by way of a suit as contemplated in this Chapter.*

(b) *Person seeking relief to be plaintiff - In a limitation action the person seeking relief shall be the plaintiff and shall be described in the plaint by his name.*

(c) *Plaintiffs to make as defendant/s person/s with claims or possible claims - The plaintiff shall make one or more or all known persons with claims or possible claims against him in respect of the casualty/occurrence to which the action relates, defendant(s) to the suit.*

(d) *Defendant(s) to be named - All persons to be named as defendants, as provided under sub-rule (c), must be named in the suit by their names. At least one defendant to the action must be named in the suit by his name but the other defendant (s) may be described generally (if not by their names).*

(e) *Service of summons - The summons in a limitation action must be served on one or more of the defendants who are named by their names therein.*

(f) *Publication of institution of suit -*

(i) *In addition to service of summons, publication of the institution of the suit and the cause of action, reliefs claimed and the returnable date of summons shall be made as prescribed in the Court's general rules, the website of the Court, one vernacular newspaper at Amaravati/port or as directed by the Court.*

(ii) Where the casualty has arisen in a foreign country, the Court may in its discretion direct that the publication must also be made in a local newspaper in that country.

44. Affidavits of service:
The plaintiff shall within two weeks of the service of summons and publication of the notice in compliance with Rule 43, file an affidavit of service in which the plaintiff (s) shall state the following:-

(a) The names and addresses of the defendants who have been served with the summons along with proof of service attached thereto;

(b) Proof of publication.

45. Publication of notice:
All public notices issued under these rules including notice for determination of priorities under Rules 28 and 29 and notice for sale of ship under Rule 28 and notice of publication of limitation action under sub-rule (f) of Rule 43 shall be published on the website of the Court and also on the website of the port authority.

46. Rules and practice on the Original Side of Court to apply, if not inconsistent with the rules in this Chapter:
The Rules, Practice and Procedure of the Court in the matter of suits and proceedings on the Original Side of the Court shall, if not inconsistent with the Rules in this part, apply to suits,appeals and proceedings on the Admiralty side of the Court, apart from the general application of Code of Civil Procedure, 1908.

Chapter VIII

47. Rules as to Collision claims. -

(a) In an action to enforce a claim for damage, loss of life or personal injury arising out of a collision between vessels, the following Rules shall apply unless the Court otherwise orders.

(b) If in a collision claim in rem, a cross claim in rem arising out of the same collision or occurrence is made and the party bringing the original claim has caused the arrest of a ship or has obtained security in order to prevent such arrest; and the party bringing the cross claim is unable to arrest a ship or otherwise obtain security, the party bringing the cross claim may apply to the Court to stay the original claim until sufficient security is given to satisfy any judgement that may be given in favour of that party.

(c) The plaintiff must within two months after service of the summons on any defendant, and the defendant must within two months after entering an appearance, file in the Registry a statement of the following;

(i) the names of the ships which came into collision' their national character and their ports of registry; the length, breadth, gross tonnage, horsepower and draught at the material time of the ship and the nature and tonnage of any cargo carried by the ship;

(ii) the date and time (including the time zone) of the collision;
(iii) the place of the collision;
(iv) the direction and force of the wind;
(v) the state of the weather;
(vi) the state, direction and force of the tidal or other current;
(vii) the position, the course steered and speed through the water of the ship when the other ship was first seen or immediately before any measures were taken with reference to her presence, whichever was the earlier;
(viii) the lights or shapes (if any) carried by the ship;
(ix) (a) the distance and bearing of the other ship if and when her echo was first observed by the radar;
(b) the distance, bearing and approximate heading of the other ship when first seen;
(x) What light or shape or combination of lights or shapes (if any) of the other ship was first seen;

(xi) What other lights or shapes or combinations of lights or Shapes (if any) of the other ship were subsequently seen before the collision, and when;

(xii) What alteration (if any) were made to the course and speed of the ship after the earlier of the two times referred to in sub-paragraph (vii) up to the time of the collision, and when, and what measures (if any) other than alternations of course or speed, were taken to avoid the collision, and when;
(xiii) The heading of the ship, the parts of each ship which first came into contact and the approximate angle between the two ships at the moment of contact;

(xiv) What sound signals (if any) were given, and when; and

(xv) What sound signals (if any) were heard from the other ship, and when;

(xvi) Disclose any electronic track data which is or has been in its control and, where every party has electronic track data in is control, each must provide copies, or permit inspection, of that electronic track data within 7 days of a request by another party to do so.

Chapter IX

48. Assessor in suits of Salvage, Towage or Collision

The court may, if it thinks fit, and shall upon request of either party to the suit, summon for its assistance, in such manner as it may direct, one or more assessors having qualifications of specified discipline mentioned in Admiralty (Assessors) Rules, 2018 who shall attend and assist the Court in hearing any suit or cause relating to salvage, towage, or collision'

49. Appointment of Assessors:

The appointment of the assessors shall be made by the court having regard to the nature of the suit and the qualification and experience of the person so appointed. The appointment of assessor(s) shall not preclude any party/parties to examine any expert witness in any admiralty proceeding. However, the court shall exercise its discretion in such matters having regards to the nature of dispute and necessity of examination of such expert witness.

50. Assessor's Fees:

Every person who shall act as an assessor shall be entitled to a fee as determined by the court for each day's attendance or a wholesome amount for the entire assistance in such a case.

51.Application to summon assessors:

Either party in any such suit as aforesaid may apply that it may be heard with the assistance of the assessors.

Unless otherwise ordered, the application shall be made by summons where the suit is pending before the Court, to the Bench before whom it is appointed that the suit shall be heard.

52. Letter in the nature of summons to be served as process: Where assessors are to be summoned, this shall be done by a letter, under the signature of the Registrar which may be served in like manner as process of the court in its writ jurisdiction.

53. Assessor's fees by whom to be deposited:

Assessor's fee shall , before each day's hearing, be deposited with the Registrar by the party at whose instance they were summoned, or in default thereof by the other party.

54 How to be disposed of:

The Registrar shall pay the fees so deposited with him to 'assessors' or, in any case where their attendance is not required, shall; unless otherwise ordered, refund the same to the party who deposited the amount.

55. To be deemed costs in the cause:

Unless otherwise ordered, all fees paid to assessors under these rules shall be deemed to be costs in the suit.

56. Summary Procedure by consent:

The parties to any suit shall have to be dealt with, heard and determined in accordance with the following special rules upon filing in the Registry, a consent signed by the parties or their Advocates in the Form given in the Appendix to these Rules.

(i). Application to fix hearing and give directions:

After such consent has been filed, application may be made to the Court by any party to appoint a day for hearing and to give directions.

(ii).No pleadings:

There shall be no pleadings beyond a statement of claim verified by affidavit, but if there be a counterclaim, notice thereof shall be given in writing before such consent as aforesaid is signed.

(iii). List of documents:

The list of documents shall be exchanged and mutual inspection of documents given at or before a time appointed by the court on the hearing of the application aforesaid.

(iv) . Hearing of application:

At the hearing of the application aforesaid unless it shall sufficiently appear from the statement of claim or otherwise in writing, the plaintiff shall specify the cause or causes of action in respect of which the suit is brought and if practicable, the amount actually claimed, and the defendant shall specify the grounds of defence on which he relied and in salvage claims, the plaintiff and the defendant respectively shall, at the time or within such time as the Court shall direct, state the values of their property and, if required, by affidavit. In the case of a counterclaim, the cause or causes of action and the claim therein and grounds of defence thereto shall be similarly stated.

(v). Evidence:

The Court shall be at liberty to receive, call for, and act upon, such evidence, documentary or otherwise, whether legally admissible or not, as it may think fit.

57. Costs:

If in any suit, the sum awarded, or for which judgement is given, exceeds the sum, if any, tendered, the Court hearing be case may nevertheless exercise his discretion as to how and by whom the costs shall be borne.

58. In other respects ordinary rules shall apply:

In other respects, the ordinary rules and practice shall apply so far as may be necessary. Notwithstanding anything contained in this special rule, the Bench hearing the case may, if it thinks fit, make such an order as it may make under the ordinary rules and practice.

Chapter X

59. Summary Procedure:

(a) If in an action in rem, summons has been served on a defendant and the defendant has given notice of intention to defend the action, the plaintiff may apply before the Court for judgement against the defendant on the ground that the defendant has no defence,-

(i) to the claim included in the plaint, or

(ii) to a part of such claims; or

(iii) except as to the amount of any damage as claimed.

(b) An application under sub rule (a) must be made by notice of motion or summons supported by an affidavit verifying the facts on which the claim or part of the claim to which the application relates is based and stating that in the deponent's belief there is no defence to that claim or part, as the case may be or no defence except to the amount of any damage as claimed.

(c) Unless the Court otherwise directs, an affidavit for the purpose of this rule may contain a statement of information or belief and the sources and grounds thereof.

(d) The notice of motion, a copy of the affidavit in support thereof and of any exhibit referred therein must be served on the defendant not less than 10 clear days before the return date.

(e) Unless on the hearing of an application under sub rule (a) either the Court dismisses application or the defendant satisfies the Court with respect to the claim or part of a claim to which the application relates that there is an issue or question in dispute which ought to be tried or that there ought to be some reason to be a trial of that claim or part, the Court may give such judgement for the plaintiff against the defendant on that claim or part as may be just in regard to the nature or remedy to be claimed.

(f) The Court may by order and subject to such conditions, if any, as may be just, stay execution of any judgement given against the defendant under this rule until completion of the trial of a counter-claim made or raised by the defendant in the action.

(g) Defendant may show cause against an application under sub rule (a) by affidavit or otherwise to the satisfaction of the Court.

(h) The court may grant leave to the defendant against whom such an application has been made, to defend the action with respect to the claim or the part of a claim to which the application relates either unconditionally or on such terms as to give security or time or may on trial or otherwise as it thinks fit.

(i) On the hearing of such application, the Court may order a defendant showing cause or where the defendant is a vessel, the master or first officer, owner or charterer or manager of the vessel and in the case of any other property, the owner or person having custody thereof.

(j) To produce any document if it appears to the court that there are special circumstances which make it desirable that he should do so to attend and be examined on oath.

(k) Where a defendant to an action in rem, has served a counter-claim on the plaintiff then the defendant may contend on the ground that the plaintiff has no ground to defend the defence to the claim made in the counter- claim or to a particular part of such counter-claim and may apply to the Court for judgement against the plaintiff on that claim or part thereof.

(l) The above rules with regard to the application filed by the plaintiff shall apply mutatis mutandis to the application filed by a defendant in support of its counterclaim.

(m) The above rules would only apply to actions in rem and by or against a defendant sued in rem.

Chapter XI

65. Appeal:

(a) An appeal shall lie from any judgement, decree or final order or interim order of such Single Judge Bench to the Division Bench of the Court, as the Chief Justice may appoint, other than the Judge from whose judgement, decree or final order or interim order, the appeal is preferred.

(b) If there arises any difference of opinion between the Judges of the Division Bench, then the same shall be referred to a single judge as per the Rules of the High Court of Andhra Pradesh.

66. Court Fees:

The court fees in respect of claims under the Act shall be the same as specified in the AP Court Fees and Suit Valuation Act, 1971 as amended from time to time.

67. Supersession of rules:

The Rules contained herein shall apply to suits/proceedings brought before the Court in exercise of its jurisdiction under the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 in supersession of all former Rules.

* * * * *

Form No. 1

[Rule 5]

Praecipe for warrant

Suit No..... of 20.....

In the High Court of Andhra Pradesh, Amaravti

(Admiralty Jurisdiction)

Between :

...Plaintiff

and

...Defendant

I..... Advocate, for the (state whether plaintiff or defendant), pray for a warrant to arrest (state name and nature of property).

Dated the ..... day of .....20.....

Advocate

(To be signed by the Advocate)

Form No.2

(Rule 5)

Warrant of Arrest in Admiralty

Suits in rem

Suit No..... of .....20.....

In the High Court of Andhra Pradesh, Amaravati

(Admiralty Jurisdiction)

Between :

...Plaintiff

and

...Defendant

To the Marshal,

We hereby command you to arrest the ship or vessel of the port of ..... (and the cargo and freight, etc., as the case may be) and to keep the same under safe arrest, until you shall receive further orders from us.

Witness ..... Chief Justice of the High Court of Andhra Pradesh at Amaravati..... the day ..... of ..... In the year of two thousand and .....

Registrar

Form No.3

[Rule 10]

Praecipes for service by the Nazir/Sperintendent of any Instrument in rem other than a warrant

Suit No..... of ..... 20.....

In the High Court of Andhra Pradesh, Amaravti

(Admiralty Jurisdiction)

Between :

...Plaintiff

and

...Defendant

I..... Advocate for the (state whether plaintiff or defendant) pray that the (state nature of the instrument) left herewith be duly executed.

Dated the ..... day of 20.....

Advocate

To be signed by the Advocate

Form No. 4

[Rule 11]

Summons in Admiralty action in personam

In the High Court of Andhra Pradesh, Amaravti

(Admiralty Jurisdiction)

Between :

...Plaintiff

and

...Defendant

To

(address)

Greeting : Whereas (enter the name and description and address of the plaintiff) has instituted a suit in this Court against you (as per the plaint or concise statement attached). you are hereby required to cause and appearance to be entered for you in the Registry (i.e., in the office of the Registrar of this Court) within..... days from the service upon you of the summons, exclusive of day of such service, and are summoned to appeal before this Court in person or by an Advocate duly instructed to answer the plaintiff's claim on the day the case is set down for hearing, upon which day you must be prepared to produce all your witnesses and all documents in your possession or power upon which you intend to rely in support of your case, and you are hereby required to take notice that in default of your causing

appearance to be so entered, the suit will be liable to be heard and determined in your absence,

Witness ..... Chief Justice of the High Court of Andhra Pradesh at Amaravati the ..... day of ..... the year two thousand and .....

Registrar

Advocate

Note 1 – An appearance in person or through Advocate is to be entered in the Registry, within the time limited in default thereof, the suit will be liable to be heard ex parte.

Note 2 – The written statement called for must be filed along with your appearance or within such time as permitted by the Court. In default, the suit shall be liable to be heard ex parte.

Note 3 - This writ must be returned to the High Court immediately after the service thereof, or, if not served and the time for the return thereof shall not have been extended to a next date.

Note 4 – Should you apprehend your witnesses will not attend of their own accord you can have subpoenas from this Court to compel the attendance of any witness and the production of any document that you to have a right to call upon the witness to produce, on applying to the Court at any time before the trail, and on payment to them of the fees and expenses prescribed by the Rules of this Court.

Note 5 – If you admit the demand, you should pay the money into Court with the costs of the suit to avoid sale of any property in respect of which the suit is brought or execution of the decree with may be against your person or property, or both.

Form No. 5

[Rule 10 and 11]

Summons in Admiralty action in rem and in personam

In the High Court of Andhra Pradesh, Amaravti

(Admiralty Jurisdiction)

Admiralty action in rem against

And in personam against

Between :

...Plaintiff

and

...Defendant

To the owners of and other persons interested in .....

(i.e., the Ship..... of the Port of.....) and to

..... (Address)

Whereas (enter the name and description and address of the plaintiff) has instituted a suit in this Court against you (as per the plaint or concise statement attached). you are hereby required to cause and appearance to be entered for you in the Registry (i.e., in the office of the Registrar of this Court) within..... days from the service upon you of the summons, exclusive of day of such service, and are summoned to appeal before this Court in person or by an Advocate duly instructed to answer the plaintiff's claim on the day the case is set down for hearing, upon which day you

must be prepared to produce all your witnesses and all documents in your possession or power upon which you intend to rely in support of your case, and you are hereby required to take notice that in default of your causing appearance, the suit will be liable to be heard and determined in your absence, and, if the property described in this writ is then under the arrest of the Court, it may be sold by order of the Court.

Witness ..... Chief Justice of the High Court of Andhra Pradesh, Amaravati the ..... day ..... of in the year two thousand and.....

Registrar

Advocate

Note 1 – An appearance in person or through Advocate is to be entered in the Registry, within the time limited in default thereof, the suit will be liable to be heard ex parte.

Note 2 – The written statement called for must be filed along with your appearance or within such time

as permitted by the Court. In default, the suit shall be liable to be heard ex parte.

Note 3 - This writ must be returned to the High Court immediately after the service thereof, or, if not served and the time for the return thereof shall not have been extended to a next date.

Note 4 – Should you apprehend your witnesses will not attend of their own accord you can have subpoenas from this Court to compel the attendance of any witness and the production of any document that you to have a right to call upon the witness to produce, on applying to the Court at any time before the trail, and on payment to them of the fees and expenses prescribed by the Rules of this Court.

Note 5 – If you admit the demand, you should pay the money into Court with the costs of the suit to avoid sale of any property in respect of which the suit is brought or execution of the decree with may be against your person or property, or both.

Form No.6

(Rules 18)

Praecipe to withdraw Caveat

Suit No..... of 20.....

In the High Court of Andhra Pradesh, Amaravati

(Admiralty Jurisdiction)

Between :

...Plaintiff

Versus

...Defendant

I..... Advocate for the (state whether plaintiff or defendant) pray that the caveat against (state tenor of caveat). Entered by me on the day of .....20..... on behalf of (state name) may be withdrawn.

Dated the ..... day of 20.....

(Signed)

(To be signed by the person by whom the praecipe for the, entry of the caveat was signed)

Form No.7

(Rule 21)

Praecipe for Caveat Warrant

Suit No..... of 20.....

In the High Court of Andhra Pradesh, Amaravati

(Admiralty Jurisdiction)

Between :

...Plaintiff

Versus

...Defendant

I..... (state name, address and description) hereby undertake to enter an appearance in any suit that may be commenced in this Hon'ble Court against (state name and nature of the property) and within three days after I shall have been served with a copy of the plaint in such suit to give bail therein in a sum not exceeding (state amount for which the undertaking is given) Rupees or to pay such sum into the Registry, and I consent that all instruments and other documents in such suit may be left for me at .....

Dated the ..... day of 20.....

Advocate

To be signed by the Advocate

Form No. 8

[Rule 31 and 32]

Praecipes for release

Suit No..... of ..... 20.....

In the High Court of Andhra Pradesh, Amaravti

(Admiralty Jurisdiction)

Between :

...Plaintiff

Versus

...Defendant

I..... Advocate for the (State whether plaintiff or defendant) in a suit (state nature of suit), against the (state name and nature of property) now under arrest by virtue of a warrant issued from the (bail having been given. Or the suit having been withdrawn by the before an appearance was entered therein, etc., as the case may be). And there being no caveat against the release thereof outstanding.

Dated the ..... day of 20.....

Advocate

To be signed by the Advocate

Form No.9

(Rule 32)

Warrant for Release

Suit No..... of .....20.....

In the High Court of Andhra Pradesh, Amaravati

(Admiralty Jurisdiction)

To the Marshal,

Whereas in the above suit command in our High Court on behalf of ..... against ..... we did command you to arrest the said..... And to keep the same under safe arrest until you should receive further orders from us. Now we do hereby command you to release the said ..... from the arrest effected by virtue of our warrant in the said suit, upon payment being made to you of all cost, charges and expenses attending the care and custody of the property whilst under arrest in that suit.

Witness Chief Justice of the High Court of Andhra Pradesh at Amaravati the day of ..... in the year of Two thousand and .....

Release Registrar

Taken out by ..... on the day of 20..... The ..... or vessel..... (or cargo and freight, etc., as the case may be) released from arrest pursuant to this instrument of release.

Registrar

Form No.10

(Rule 47)

Praecipe for Caveat warrant by plaintiff

Suit No..... of 20.....

In the High Court of Andhra Pradesh, Amaravati

(Admiralty Jurisdiction)

Between :

...Plaintiff

Versus

...Defendant

I..... (state name, address and description) hereby undertake within three days after I shall have been served with a notice of any counterclaim herein in respect of which the defendant is entitled to. Arrest (state name and nature of property) to give bail to answer such counter-claim in a sum not exceeding (state amount for which the undertaking is given) Rupees..... or to pay such sum into the Registry.

Dated the ..... day of 20.....

Advocate

To be signed by the Advocate

Form No. 11

[Rule 56]

Form of consent to the application of summary procedure

In the High Court of Andhra Pradesh, Amaravti

(Admiralty Jurisdiction)

Between :

...Plaintiff

and

...Defendant

We the undersigned respectively hereby agree that this cause shall be dealt with, heard and determined according to the Summary Procedure.

Dated this ..... day of ..... 20.....

Plaintiff's Advocate

Defendant's Advocate

Note - As the above mentioned Rules depart from the ordinary rules and practice, it will be necessary for Advocates signing this consent to annex their clients' authority to do so.

Dr. Y. LAKSHMANA RAO,
Registrar General.

--x--

Published and Uploaded by the Commissioner of Printing, Government of Andhra Pradesh at Government Regional Press, Vijayawada, www.apegazette.cgg.gov.in