

News

In order to recoup cargo loss, the Kerala High Court authorizes the detention of one more sister ship of the MSC Elsa-3.



A cashew importer who lost products when its sister ship, MSC Elsa-3, sank off the coast of Kerala requested ₹74 lakh, which the court granted by ordering the conditional detention of MSC Polo-II.

In relation to cargo loss claims connected to the sinking of its sister ship, MSC Elsa-3, off the coast of Alappuzha district, the Kerala High Court on Wednesday ordered the conditional arrest of the vessel MV MSC Polo-II. **[MV MSC Polo II (IMO 9139086) Owners and Parties Interested in the Vessel v. Sans Cashew India Private Limited].**

In an admiralty suit brought by Sans Cashew India Pvt. Ltd., which claimed that its cargo of raw cashew nuts was lost in the MSC Elsa-3 catastrophe, Justice **MA Abdul Hakhim** issued

an interim ruling.

In order to protect the plaintiff's maritime claims, the court accepted the admiralty suit and directed the arrest of MSC Polo-II, which is run by the same shipping company, MSC Mediterranean Shipping Company SA.

Based on similar claims made by five other cargo owners whose containers of raw cashew nuts were lost in the same event, the Court issued a similar order last week to detain MSC Manasa-F, another MSC-operated vessel.

Nearly ₹6 crore was obtained as a conditional deposit for the ship's release by that order.

In this case, Sans Cashew India Pvt. Ltd. filed the lawsuit. Following the loss of the MSC Elsa-3, the plaintiff went to court to request the sister vessel's arrest because the maritime firm had no assets in India.

Under the flag of Liberia, the ship is presently on its way to Vizhinjam Port.

As security for the plaintiff's maritime claim, the court ordered the detention of MSC Polo-II today and ordered the vessel's owners or interested parties to deposit about ₹74 lakh in the High Court.

The conditional arrest order will be lifted without further action as soon as the money is deposited or sufficient security is provided.

The next hearing on the case is scheduled for June 23.

Senior Advocate **VJ Mathew**, together with attorneys Vipin P. Varghese, Adarsh Mathew, Merline Mathew, Anirudh G. Kamath, Agustho Norbert, Anna B., and Megha Madhavan, represented the plaintiffs.

Pranoy Kottaram, an advocate, represented the shipping company.