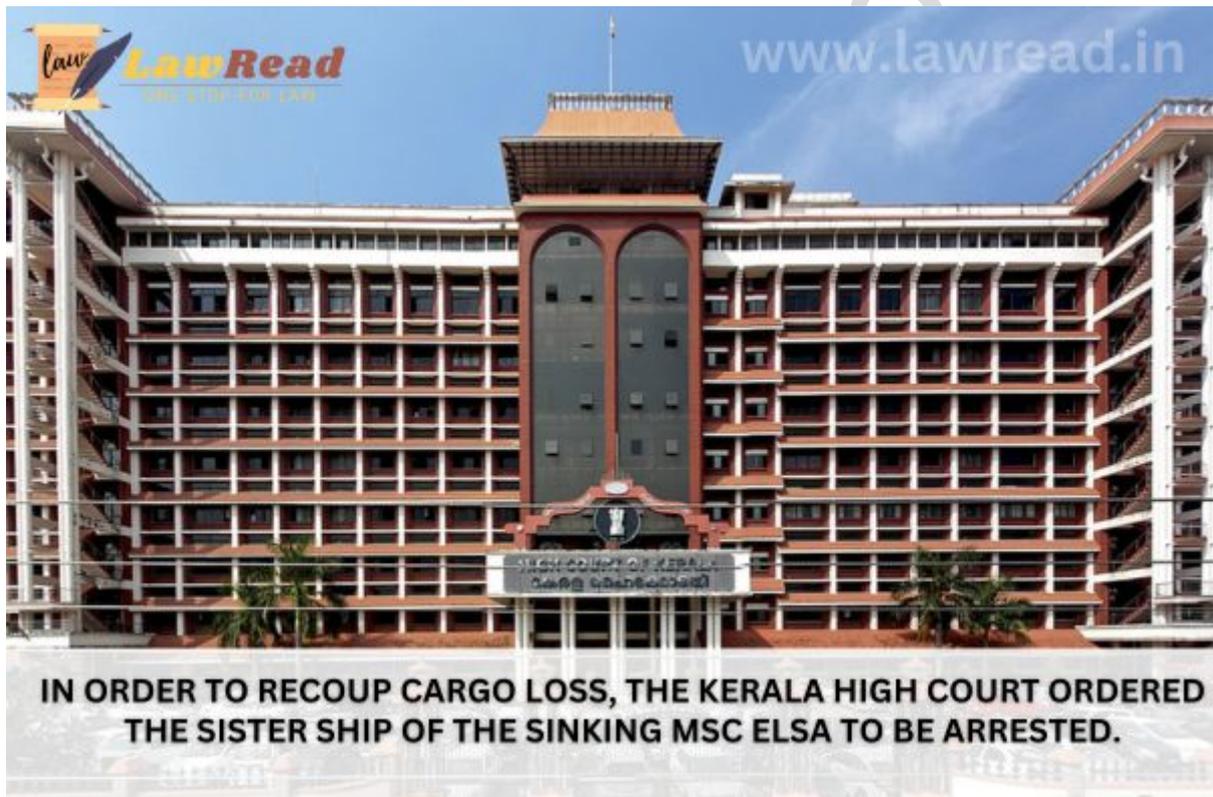


# News

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**In order to recoup cargo loss, the Kerala High Court ordered the sister ship of the sinking MSC Elsa to be arrested.**



*Following the loss of cargo on the MSC ELSA-3 drowning off the coast of Kerala, the court ordered the detention of MSC Manasa F in order to obtain the almost ₹6 crore demanded by cashew importers.*

**[Saji Surendran v Owners and Parties interested in the vessel MV MSC MANASA F(IMO 9238882) & Ors. and connected cases]** The Kerala High Court on Thursday ordered the arrest of the Liberian-flagged cargo ship MSC Manasa-F, whose sister ship, MSC Elsa-3, recently sank off the coast of Alappuzha district.

After reviewing five admiralty proceedings brought by private individuals and businesses who had all bought raw cashew nuts from the sunken ship, Justice **MA Abdul Hakhim** issued the

ruling. They tried to get back the money they had lost.

In order to protect the plaintiffs' maritime claims, the court accepted the admiralty cases and directed the arrest of MSC Manasa F, which is run by the same shipping company, MSC Mediterranean Shipping Company SA.

*"It is made clear that the Warrant of Arrest would be withdrawn and the conditional order of arrest would automatically be vacated once the amount is deposited or security is furnished by the 1st respondent (Owners and Parties interested in the vessel MV MSC Manasa F) in this Court, without any further order,"* the Court stated.

According to the lawsuits filed by the five claimants, the MSC Elsa-3 drowned as a result of improper cargo loading, poor maintenance, and technical issues with the containers they had loaded with cashew nuts. They attributed the same to the crew's negligence.

In order to recover the money, the plaintiffs asked the court to order the arrest of the sister ship, MSC Manasa F, which had entered Indian seas and was docked at Vizhinjam Port. This was because the business that managed the ship, MSC, had no property in India.

This submission was approved by the Court, which issued orders instructing the vessel to be held until the claimed amount was deposited or sufficient security was provided to the Court's satisfaction.

The following are the plaintiffs' individual compensation claims:

1. Mangalath Cashews, proprietor Saji Surendran, ₹1,54,71,443
2. JJ Trading Company, which is worth ₹1,58,08,478.40
3. R Rajendran, RRR Enterprises' proprietor, ₹1,63,54,104
4. ₹81,11,778 for Iacom Foods Private Limited
5. ₹39,80,307.78 for Georgian Food Products Pvt Ltd

Nearly ₹6 crore is the whole sum.

The Court explained that the arrest warrant would be automatically revoked if the owners or other parties with an interest in MSC Manasa F provided the full sum or sufficient security.

Additionally, it mandated that the conditional arrest order be in effect until compliance.

The court ordered the plaintiffs to amend the petition so that the appropriate port authority, Adani Vizhinjam Port Pvt. Ltd., is impleaded in place of the Chief Executive Officer of Vizhinjam International Seaport Ltd., who was originally listed as the second respondent in the suits.

A second hearing on the case has been set for June 16. The accused have been given till June 15 to submit their written submissions to the court.

Advocates Joy Thattil Ittoop, Bijish B Tom, Uthara AS., Krishna Kumar TK, Baby Sonia, Karun Mahesh, Megha Joseph, Gevha Joseph, Govind Vijayakumaran Nair, Roshni Manuel, and Jacob Tomlin Varghese represented the plaintiffs.

Advocate Roshen D. Alexander represented Vizhinjam International Seaport Ltd., while advocate Pranoy Kottaram represented the corporation, MSC.