

**IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR. JUSTICE M.A.ABDUL HAKHIM**

**Thursday, the 21<sup>st</sup> day of August 2025 / 30th Sravana, 1947  
ADML.S. NO. 14 OF 2025 J**

**PLAINTIFFS:**

1. ELSA 3 MARITIME INC. A COMPANY INCORPORATED UNDER THE LAWS OF LIBERIA, AND HAVING ITS OFFICE AT 80 BROAD STREET, MONROVIA, LIBERIA, REPRESENTED BY ITS POWER OF ATTORNEY HOLDER ANIL SHAMRAO JADHAV, S/O SHAMRAO BANSI JADHAV, AGE 41, RESIDING AT 147/151, DR. M. G. MAHIMTURA MARG, 3RD KUMBHARWADA, 2ND FLOOR, ROOM NO. 9, GIRGAON, MUMBAI., PIN - 400004.
2. MULTI CONTAINER MANAGEMENT S.A. A COMPANY INCORPORATED UNDER THE LAWS OF PANAMA, AND HAVING ITS OFFICE AT EDIFICIO PH TORRE PANAMA, 15TH FLOOR, BOULEVARD COSTA DEL AND AVENIDA LA ROTONDA, COSTA DEL ESTE, PANAMA, REPRESENTED BY ITS POWER OF ATTORNEY HOLDER ANIL SHAMRAO JADHAV, S/O SHAMRAO BANSI JADHAV, RESIDING AT 147/151, DR. M. G. MAHIMTURA MARG, 3RD KUMBHARWADA, 2ND FLOOR, ROOM NO. 9, GIRGAON, MUMBAI., PIN - 400004.
3. MSC MEDITERRANEAN SHIPPING CO S.A. A COMPANY INCORPORATED UNDER THE LAWS OF SWITZERLAND, AND HAVING ITS OFFICE AT CHEMIN RIEU 12-14, 1208, GENEVA, REPRESENTED BY ITS POWER OF ATTORNEY HOLDER JACOB GEORGE, S/O KV GEORGE RESIDING AT KARIMPILACKIL HOUSE, 1-7, STREET NO. 1, DEEPTHI NAGAR, KOTTAYAM., PIN - 686004.

BY ADVS.PRANOY K.KOTTARAM,SIVARAMAN P.L,ATHUL BABU,SREENAND UDAYAN AND  
SRI.PRASANTH S. PRATAP(SR.) & SMT.NAIRA JEEJEEBHAY(SR.) (B/O 21.08.2025)

**DEFENDANT:**

1. MR. SAJI SURENDRAN PROPRIETOR, 'MANGALATH CASHEWS', RESIDING AT 637, TP VI, MELEPLAVILA VEEDU, CHERIKONAM, KANNANALLOOR P.O., KOLLAM, KERALA., PIN - 691576.
2. J. J. TRADING COMPANY A PARTNERSHIP FIRM REGISTERED UNDER THE LAWS OF INDIA, HAVING ITS OFFICE AT MP 2/207-208, KALAYAPURAM P.O., KOTTARAKKARA, KOLLAM, KERALA. REPRESENTED BY ITS MANAGING PARTNER MR. JOSEMON GEORGE, PIN - 691560.
3. MR. R. RAJENDRAN PROPRIETOR, 'RRR ENTERPRISES', AGED 50 YEARS, S/O RATHINA MANI, AND HAVING HIS OFFICE AT 26/25F, AMPILI VILAI VIRICODE, NALLOR, KANNIYAKUMARI, TAMIL NADU., PIN - 629165.
4. IACOM FOODS PVT. LTD. A COMPANY REGISTERED UNDER THE INDIAN COMPANIES ACT, HAVING ITS OFFICE AT 6-37 A-1, GNARODE, KURUTHENCODE, KALAKULAM, KANNIYAKUMARI, TAMIL NADU. REPRESENTED BY ITS MANAGER MR. VISHNU V., PIN - 629802.
5. GEORGIAN FOOD PRODUCTS PVT. LTD. A COMPANY REGISTERED UNDER THE INDIAN COMPANIES ACT, HAVING ITS OFFICE AT BUILDING NO. 2/694, ST. NICHOLAS CASHEW EXPORTS, NALLILA P.O., KOLLAM, KERALA REPRESENTED BY ITS DIRECTOR MR. Y. RAJAN, PIN - 691515.

6. SANS CASHEW INDIA PRIVATE LIMITED A COMPANY REGISTERED UNDER THE COMPANIES ACT, HAVING ITS OFFICE AT PP/17/133, PAVITHRESWARAM PO PUTHOOR KOLLAM, KERALA. REPRESENTED BY ITS MANAGING DIRECTOR MRS. PRAVEENA V.P., PIN - 691507.
7. STATE OF KERALA REPRESENTED BY ITS SPECIAL SECRETARY, ENVIRONMENT DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM., PIN - 695001.
8. ALL PERSONS CLAIMING OR BEING ENTITLED TO CLAIM DAMAGES ALL PERSONS CLAIMING OR BEING ENTITLED TO CLAIM DAMAGES BY REASON OF OR ARISING OUT OF LOSS/DAMAGE TO CARGO CARRIED ON BOARDS THE VESSEL MC ELSA 3 (IMO 9123221) FROM VIZHINJAM TO KOCHI IN MAY 2025.

BY ADV JOY THATTIL ITTOOP FOR D1 TO D5(B/O 21.08.2025), M/S. V.J.MATHEW(SR.), ANIRUDH G.KAMATH FOR D6(B/O 21.08.2025) SMT. PARVATHY KOTTOL,GP FOR D7(B/O 21.08.2025).

This Admiralty suit having come up for orders on 21.08.2025, the court on the same day passed the following:



**M.A.ABDUL HAKHIM, J.**

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**Dated this the 21<sup>st</sup> day of August, 2025**

**ORDER**

1. When this suit was listed in the admission list, the learned Senior Counsel for the plaintiffs 1 to 3, Sri. Prashanth S. Pratap and Smt. Naira Jeejeebhoy appeared, instructed by Adv. Sri. Pranoy K. Kottaram and made submissions.
2. This suit is filed under Chapter XA of the Merchant Shipping Act,1958, for the determination and setting up of a limitation fund with respect to the occurrence involving MSC ELSA 3. Since it is a suit, the ordinary procedures for the conduct of the suit are to be followed and it does not require formal admission.
3. The learned Senior Counsel, Sri. V.J. Mathew, instructed by Sri. Anirudh G. Kamath took notice for Defendant No.6. The learned Government Pleader, Smt. Parvathy Kottol, took notice for Defendant No.7. The learned counsel, Adv. Sri. Joy Thattil Ittoop, took notice for defendant Nos.1 to 5.

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4. The learned Senior Counsel for the plaintiffs submitted that the plaintiffs have filed I.A. No.3 of 2025 to take out newspaper publication in the suit. The learned Senior Counsel for Defendant No.6 pointed out that this Court has not framed the necessary Rules for entertaining the Applications under Chapter XA of the Merchant Shipping Act, 1958. It is seen from the Order dated 06.08.2025 in this case that the learned Single Judge of this Court considered the Rules framed by the Bombay High Court and the Andhra Pradesh High Court and the decision of the Hon'ble Supreme Court in **World Tanker Carrier Corporation v. SNP Shipping Services Private Limited [(1998) 5 SCC 310]** and thereafter directed the Registry to number the suit. When the suit is numbered, this Court has to proceed with the suit like any other suit. The plaintiffs have filed I.A. No.3 of 2025 to effect paper publication of the suit notice. The defendants submitted that they have no objection to allowing I.A. No.3 of 2025. There is no harm in giving public notice of the suit, and it can be permitted in the interest of justice to protect the interest of all. Accordingly, I.A. No.3 of 2025 is allowed, and the plaintiffs are permitted to take out News

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Paper publication of the suit notice in all editions of the Malayala Manorama Daily, the Bombay and Kochi editions of the Times of India Daily, and the Trade Winds. The date of appearance shall be 18.09.2025. The plaintiffs shall submit a Draft publication within three days.

5. List the suit for further consideration on 18.09.2025.

Sd/-

**M.A. ABDUL HAKHIM  
JUDGE**

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