



IN THE HIGH COURT OF ORISSA AT CUTTACK

ADMLS No.6 of 2024

MH BLAND S.L.

....

Plaintiff

Mr. Ishwar Mohanty, Advocate

-versus-

***MV PROPEL FORTUNE
(IMO 9500699)***

....

Defendant

*M/s. Soumya Jyoti Biswal, A. Mohanty, R. Ray,
S. Senapati, A.A. Mishra, S.K. Jajodia, Advocates*

CORAM:

HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

Order No.

02.

ORDER

31.12.2024

ADMLS No.6 of 2024

and

I.A. No.27 of 2024

1. Urgency in the matter being mentioned by the learned counsel appearing for the defendant, this matter is directed to be taken on board during this winter vacation by way of special notice at 1.30 p.m.
2. Sri Soumya Jyoti Biswal, learned advocate and his associates filed Vakalatnama on behalf of the defendant vessel – MV Propel Fortune (IMO 9500699) and also filed this Interlocutory Application today with a prayer to recall or modify or cancel the order dated 30.12.2024 passed in I.A. No.26 of 2024 / ADMLS No.6 of 2024 and sought for release of the defendant-vessel (MV Propel Fortune (IMO 9500699)) from arrest.



3. Sri Ishwar Mohanty, learned counsel appearing for the plaintiff has conceded to have received the copy of I.A. No.27 of 2024.

4. It is submitted by Sri Ashutosh Mohanty, learned counsel appearing for the defendant that *vide* Annexure-A appended to the I.A. No.27 of 2024, the defendant has already made payment with respect to the goods supplied by the plaintiff. It is submitted that the liability as found mentioned in the plaint has been satisfied by making such deposit.

5. Sri Ishwar Mohanty, learned counsel seeking a short accommodation to file objection to the interlocutory application, orally raised objection that at page-11 of the I.A., the name of the beneficiary appears as “MH BLAND CO. LTD. GXII IAA P.O. BOX 554, GIBRALTAR, CLOSTER” and the status of payment is shown as “CB Pending”. He drew attention of this Court to copy of Invoice available at page-30 of the brief (Exhibit-C Series), wherein at the foot of the invoice, the beneficiary is depicted as “M.H. Bland SL”. In order to clarify the position with more lucidity, he requested for a short adjournment of this case.

6. To this, Sri Ashutosh Mohanty, learned counsel appearing for the defendant feeling urgent need of release of the defendant-vessel, suggested for furnishing a Demand Draft for an amount of Rs.15,56,100/- (Rupees fifteen lakhs, fifty-six thousand and one hundred only) drawn in the favour of the Registrar (Judicial) of High Court of Orissa, Cuttack by the defendant today to secure the amount claimed in the plaint (ADMLS No.6 of 2024) for ensuring



release of the vessel, MV Propel Fortune (IMO 9500699), from arrest, to which Sri Ishwar Mohanty, learned counsel appearing for the plaintiff has no objection.

7. Considering the above submission of the learned counsel appearing for the parties, this Court directs that in the event the Demand Draft of Rs.15,56,100/- (Rupees fifteen lakhs, fifty-six thousand and one hundred only) drawn in favour of the Registrar (Judicial) of High Court of Orissa, Cuttack is furnished by the defendant before the Registry today on proper acknowledgement, the defendant-vessel, MV Propel Fortune (IMO 9500699), shall be released forthwith from arrest and the defendant-vessel would be free to sail out of Paradeep Port.

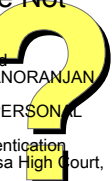
8. It is made clear that the Registry shall keep the said amount of demand draft in interest bearing account and if ultimately the plaintiff succeeds, the aforesaid amount can be transferred in favour of the plaintiff along with such interest accrued thereon. It goes without saying that if the plaintiff fails, the aforesaid amount shall be returned to the defendant by the Registry of this Court.

9. Registry is instructed to place this matter in the week commencing 06.01.2025 before the assigned jurisdictional Court.

(M.S. Raman)
Vacation Judge

MRS/Aswini

Signature Not
Verified



Digitally Signed
Signed by: MANORANJAN
SAMAL
Designation: PERSONAL
ASSISTANT
Reason: Authentication
Location: Orissa High Court,
Cuttack
Date: 31-Dec-2024 14:32:40