

CLAIMANTS UNDERTAKING

The claimant filing admiralty suit in the High Court having admiralty jurisdiction have to file an undertaking along with the suit in an affidavit form mainly for protection of owner, demise charterer, manager or operator or crew of vessel arrested under Section 11 (1) of the Admiralty Act (2017). Section 11 reads as:

11. (1) The High Court may, as a condition of arrest of a vessel, or for permitting an arrest already effected to be maintained, impose upon the claimant who seeks to arrest or who has procured the arrest of the vessel, an obligation to provide an unconditional undertaking to pay such sums of money as damages or such security of a kind for an amount and upon such terms as may be determined by the High Court, for any loss or damage which may be incurred by the defendant as a result of the arrest, and for which the claimant may be found liable, including but not restricted to the following, namely:—

- (a) the arrest having been wrongful or unjustified; or
- (b) excessive security having been demanded and provided.