

ADMIRALTY RULES

The Admiralty Rules of the High Courts provide that the rules and practice of the court in the matter of suits and proceedings on the original side of the court shall, if not inconsistent with the said Rules, apply to suits and proceedings on the Admiralty side of the court.

In the title of the plaint in a suit in rem, after the name of the ship which is sued, its nationality is usually stated followed by the words "together with its engines, boats, gear, tackle, apparel furniture and papers and everything belonging to it whether on board or ashore", and a statement as to its location. Some draftsmen include in the title "The Owners and other parties interested in the first defendant ship" as the second defendants. If the claim is under a contractual document, it is usual for a copy thereof and, if it be in a language other than English, a translation thereof to be annexed to the plaint as an exhibit and in the case of a claim for repairs or necessaries, copies of the unpaid bills (In case of urgency, courts allow application for arrest on fax copy of the Power of Attorney/Letter of Authority; on Lodging number of the Suit; and also on clear photocopies of the documents). The court may at any time require that they be produced for its scrutiny when applying for arrest.

The Admiralty Rules of the High Courts require that in a suit for wages or for possession against a foreign ship, notice of the institution of the suit be given to the consul of the state to which the ship belongs, if there be one resident at those places and a copy of the notice be annexed to the affidavit leading to the warrant. The Rules of the High Court at Bombay require that such notice shall be given in a suit for necessaries also and that, if there is no such consul resident in Bombay, a statement of that fact be made in the affidavit leading

to the warrant. The Rules of the High Courts relevant to filing of the various caveats are substantially similar.

Whereas the Rules of the High Courts require that before issuing the warrant of arrest the registrar of the court shall ascertain whether or not any caveat warrant has been entered, rule 941 of the Bombay Rules, inter alia, requires that a Certificate of the Prothonotary & Senior Master (i.e. the Admiralty Registrar of the Court), certifying that search has been made in the Caveat Warrant Book and that no caveat has been filed, be annexed to the affidavit leading to the warrant.

The Rules of all High Courts having Admiralty Jurisdiction require that the affidavit leading to the warrant shall state the nature of the claim in the suit and that it has not been satisfied.

The Rules of the Calcutta and Madras courts also require that in a suit for bottomry a copy of the bottomry bond and, if in a foreign language, also a copy of a notarial translation thereof certified to be correct shall be annexed to the affidavit and the original bond and the notarial translation thereof shall be produced for the inspection and perusal of the court's registrar.