

## **RESTRICTIONS TO INVOKE ADMIRALTY JURISDICTION**

There are restrictions to invoke Admiralty Jurisdiction in following cases

- a. When the matter can be adjudicated in arbitration and there is a specific arbitration clause, the matter should be proceeded in arbitration (although a ship can be arrested as security in arbitration) ;
- b. If the ship belongs to Government of Foreign State, in that event consent of the Central Government in India would be required to proceed against the vessel and its owners.;
- c. Action in rem against the Government of India in respect of claims against the Government or arrest, detention or sale of ships or cargo or other property belonging to the Government unless notice under section 80 (1) of the Code of Civil Procedure is complied with;
- d. Personam actions are not allowed in case of collision until a proceedings previously brought by the Plaintiff in any foreign court against the same defendant in respect of the same cause of action have been discontinued or otherwise come to an end.