

APPEALS

Admiralty Suit is filed in the High Court having admiralty jurisdiction and is heard by the single judge of the trial court. Any party aggrieved by the order passed by the single judge of the trial court have an option to file an appeal before the Appeal Court (Division Bench) in the same High Court and any order passed by the Appeal Court of the High Court, the aggrieved party may file an Special Leave Petition (SLP) in the Supreme Court of India being the Apex Court of India.

The process of appeals in admiralty matters in India is governed by the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 ("Admiralty Act, 2017"), the Admiralty Rules of the High Courts, and the Code of Civil Procedure, 1908 (CPC). Admiralty suits, as per Indian law, are instituted in the High Courts conferred with admiralty jurisdiction, such as the Bombay High Court, Calcutta High Court, Madras High Court, and others as provided in the Admiralty Act, 2017.

Institution of Admiralty Suits and the Role of the Single Judge

When a maritime claim is brought before the court, the matter is heard by a single judge of the High Court who exercises original admiralty jurisdiction. The Admiralty Act, 2017 confers this jurisdiction on the single judge to adjudicate a wide range of maritime claims, including the arrest of ships, salvage claims, collision claims, and claims arising out of contracts for the carriage of goods by sea, among others.

The single judge of the High Court is empowered to hear and decide admiralty matters, including granting reliefs such as arrest orders, interim injunctions, and decrees. The judgment or order passed by the single judge

constitutes a decree of the court, which is enforceable as per the provisions of the CPC.

Right of Appeal Before the Division Bench

Any party aggrieved by the order or decree of the single judge has the statutory right to appeal before the Division Bench of the same High Court. This right of appeal is provided under Section 14 of the Admiralty Act, 2017, which expressly states that an appeal from any judgment, decree, or final order of a single judge exercising admiralty jurisdiction lies to the Division Bench of the High Court.

The Division Bench, generally comprising two or more judges, exercises appellate jurisdiction and has the authority to review the factual findings and legal conclusions of the single judge. The appellate process follows the established rules of procedure for appeals under the Code of Civil Procedure, 1908, which includes the submission of memoranda of appeal, grounds for appeal, and supporting documents.

Relevant Case Laws on Admiralty Appeals

Indian jurisprudence provides several key precedents concerning appeals in admiralty matters:

Elisabeth v. Harwan Investment & Trading Pvt. Ltd., Goa (1993): This landmark decision by the Supreme Court of India affirmed the High Court's admiralty jurisdiction and clarified the rights of appeal in admiralty matters. The judgment emphasized the right of an aggrieved party to file an appeal against an order of arrest or any final order of the single judge in admiralty cases.

Tagus v. Gabriel (2001) 6 SCC 140: In this case, the Supreme Court dealt with the issue of appeals in admiralty matters and held that orders affecting

substantive rights, such as the arrest of a vessel, are appealable. The court underscored the principle that the appeal must be lodged in the same High Court before a Division Bench.

M.V. Fortune Express v. A.P. Moller (2004) 8 SCC 688: The Supreme Court reaffirmed that appeals against interlocutory orders, including those concerning the arrest of vessels, are maintainable before the Division Bench of the High Court. This case also emphasized that an appeal should be filed promptly, within the statutory period provided for under the CPC and Admiralty Rules.

Special Leave Petition (SLP) Before the Supreme Court

If a party is aggrieved by the decision of the Division Bench of the High Court, the next recourse is to file a Special Leave Petition (SLP) before the Supreme Court of India, under Article 136 of the Constitution of India. The Supreme Court, being the apex court of the country, has the discretionary power to grant special leave to appeal against any judgment, decree, determination, or order passed by any court or tribunal, including the High Courts.

However, it is important to note that the Supreme Court exercises its discretion judiciously and only in cases involving substantial questions of law or where there is a manifest error in the judgment of the lower courts. Not all orders or decisions of the Division Bench are appealable as of right before the Supreme Court; rather, the aggrieved party must demonstrate that the case involves exceptional circumstances warranting the intervention of the apex court.

The procedural rules for filing an SLP are governed by the Supreme Court Rules, 2013, and the SLP must be accompanied by the certified copies of the impugned judgment, decree, or order of the High Court, as well as a concise statement of facts and grounds of appeal.

Procedural Aspects of Filing Appeals

Appeal to the Division Bench: The appeal to the Division Bench of the High Court must be filed within the statutory period prescribed under the Limitation Act, 1963. The appellant must submit a memorandum of appeal stating the grounds on which the appeal is preferred, along with all relevant documents, evidence, and the judgment of the single judge.

Appeal to the Supreme Court (SLP): The SLP must be filed within 90 days from the date of the High Court's judgment. The Supreme Court has the discretion to condone the delay if a satisfactory explanation is provided. Once the SLP is admitted, the Supreme Court may either decide the case on merits or remand it back to the High Court for reconsideration.

The appellate mechanism in admiralty matters in India provides a structured and hierarchical path for seeking relief against orders passed by courts exercising admiralty jurisdiction. Beginning with an appeal to the Division Bench of the High Court, followed by the option to seek special leave to appeal before the Supreme Court, the framework ensures that parties have ample opportunity to challenge judgments that they perceive to be unjust or erroneous. The procedural safeguards and the relevant case laws contribute to the stability and consistency of admiralty jurisprudence in India, ensuring that maritime claims are adjudicated with fairness and legal precision.