



# Arrest of Ships in Pakistan

## Jurisdictional Update

### Recent Cases

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Presenter

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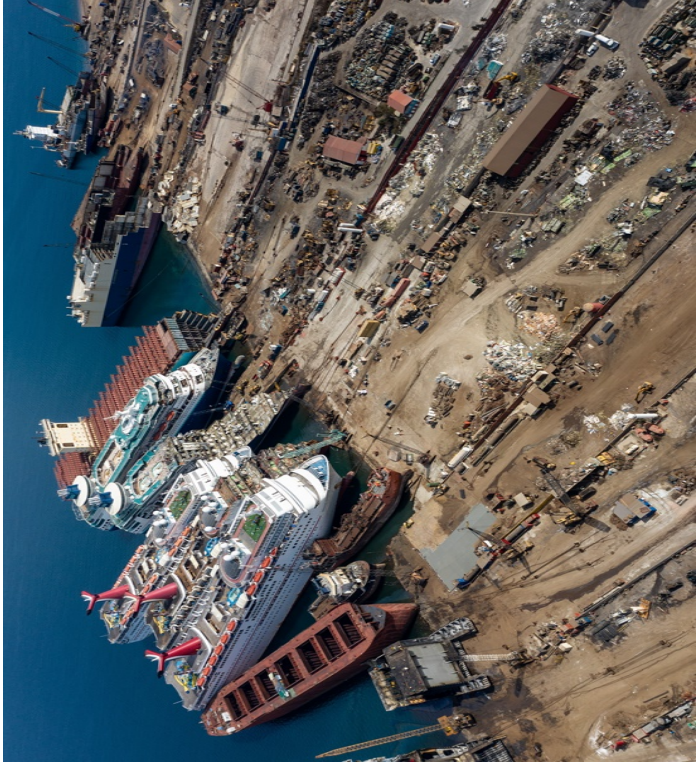
# **PRESENTATION OVERVIEW**

- **Introducing the Ports in Pakistan**
- **Admiralty Claims under AJHCO'80**
- **Recent Admiralty Cases**
- **Q & A**

# Major Ports in Pakistan



# Major Ports in Pakistan



# Admiralty Claims

- As per Section 3(2) of Admiralty Jurisdiction of High Courts Ordinance, 1980 (AJHCO '80)
- (a) – Any claim to the **possession or ownership of a ship** or to the ownership of any share therein or for recovery of documents of title and ownership of ship, including registration certificate, logbook and such certificates as may be necessary for the operation or navigation of the ship **(this can be an *in rem* claim)**
- (b) – Any question between co-owners of a ship as to possession, **employment or earnings of that ship (this can be an *in rem* claim)**
- (c) – Any claim in respect of a **mortgage of or charge on a ship** or any share therein **(this can be an *in rem* claim)**

# Admiralty Claims

- (d) – Any claim for **damage done by a ship (this can be an *in rem* claim)**
- (e) – Any claim for **damage received by a ship (this cannot be an *in rem* claim)**
- (f) – Any claim for **loss of life or personal injury sustained in consequence of any defect in a ship** or in her apparel or equipment, or of the wrongful act, neglect or default of the owners, charterers or persons in possession or control of a ship or of the master or crew thereof or of any other person for whose wrongful acts, neglects or defaults, the owners, charterers or persons in possession or control of a ship are responsible, being an act, neglect or default in the navigation or management of the ship, in the loading, carriage or discharge of goods on, in or from the ship or in the embarkation, carriage or disembarkation of persons on, in or from the ship **(this cannot be an *in rem* claim)**

# Admiralty Claims

- (g) – Any claim for **loss of or damage to goods carried in a ship** (**this cannot be an *in rem* claim**)
- (h) – Any claim arising out of any agreement relating to the **carriage of goods in a ship or to use or hire of the ship** (**this cannot be an *in rem* claim**)
- (i) – Any claim in the nature of **salvage of life from a ship or cargo or any property on board a ship or the ship itself** or its apparel, whether services rendered on high sea or within territorial waters or internal waters or in a port, ... (**this can be an *in rem* claim**)
- (j) – Any claim in the nature of **towage in respect of a ship** or an aircraft, whether services were rendered on the high sea or within the territorial waters or internal waters or in a port (**this cannot be an *in rem* claim**)

# Admiralty Claims

- (k) – Any claim in the nature of **pilotage in respect of a ship** or an aircraft **(this cannot be an *in rem* claim)**
- (l) – Any claim in respect of **necessaries supplied to a ship (this cannot be an *in rem* claim)**
- (m) – Any claim in respect of the **construction, repair or equipment of a ship or dock charges or dues (this cannot be an *in rem* claim)**
- (n) – Any claim by a **master or members of the crew of a ship for wages and any claim by or in respect of a master or member of the crew of a ship** for any money or property which under any of the provisions of the Merchant Shipping Acts ... is recoverable as wages or in the Court and in the manner in which wages may be recovered’ **(this cannot be an *in rem* claim)**



# Admiralty Claims

- (o) – Any claim by a **master, shipper, charterer, agent in respect of disbursements made on account of a ship (this cannot be an *in rem* claim)**
- (p) – Any claim arising out of an act which is or is claimed to be a **general average act (this cannot be an *in rem* claim)**
- (q) – Any claim arising out of **bottomry or respondentia (this cannot be an *in rem* claim)**
- (r) – Any claim for the **forfeiture or condemnation of a ship** or of goods which are being or have been carried, or have been attempted to be carried, in a ship as a Naval Prize or in violation of customary law of sea or otherwise, or for the restoration of a ship or any such goods after seizure, or for *droits* of Admiralty **(this can be an *in rem* claim)**

# **RECENT ADMIRALTY CASES**

# Monjasa AS **v/s** MT Chem Guard & Others

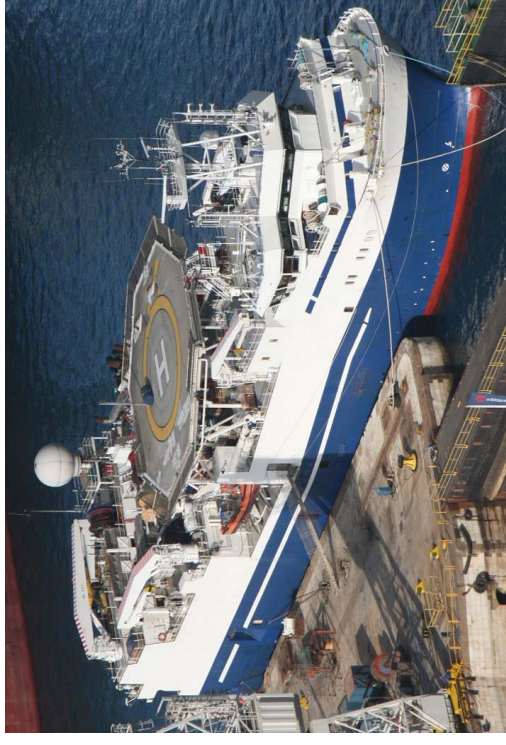
Admiralty Suit No. 2 of 2023



**Issue: Recovery of outstanding payments for fuel supplied to Defendant Vessel; Claim under Section 3(2)(I) AJHCO'80 for "necessaries supplied to a ship". Arrest Order Issued**

# Cockett Marine Oil DMCC **v/s** MV Atlantic Enterprise & Others Admiralty Suit No. 3 of 2022

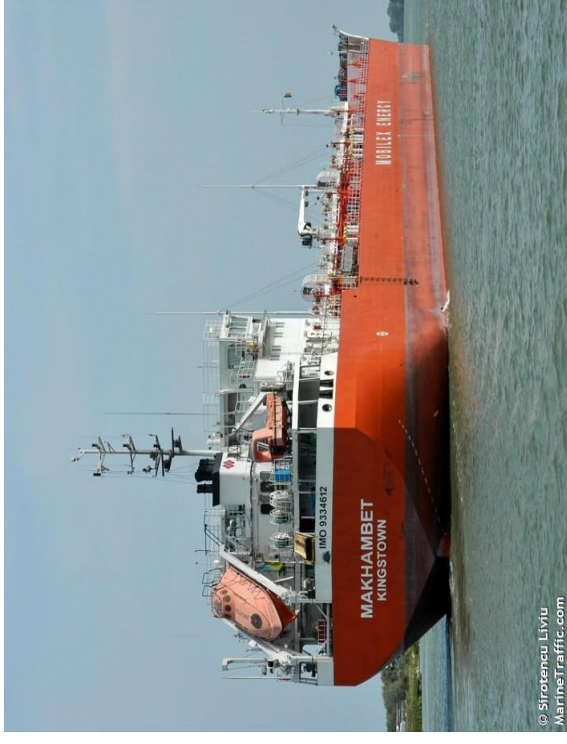
**COCKETT  
MARINE OIL**



**Issue: Recovery of outstanding payments for  
services rendered on Defendant Vessel;  
Arrest Order Issued**

# Tenedos Denizcilik ve Tic. Ltd **v/s** Makhambet

## Admiralty **& Another** Suit No. 2 of 2021



**Issue: Recovery of outstanding payments for repairs on Defendant Vessel;  
Claim under Section 3(2)(m) AJHCO'80 for “any claim in respect of construction, repair or equipment of a ship or dock charges or dues”  
Arrest Order Issued**

# Shanghai Industries (Pvt) Ltd. **v/s** M.V. HY

## Glory & Others

Admiralty Suit No. 10 of 2022



Manufacturers of Arc Welding Electrodes



**Issue: Recovery of overpaid invoice - (quantity shipped was lesser than quantity agreed);  
Arrest Order Issued**

# Capt. Rashid Chiragh v/s M.V. Bofors

Admiralty Suit No. 14 of 2022

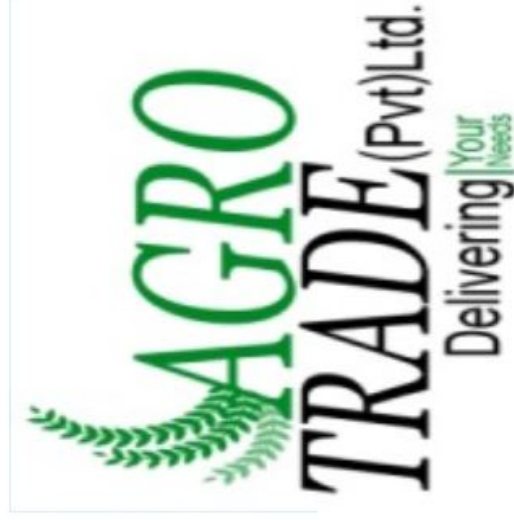


**Issue: Recovery of unpaid salary of 13 months;  
Claim under Section 3(2)(n) AJHCO'80 - any claim by a  
master or members of the crew of a ship for wages;  
Arrest Order Issued**

# Agro Trade (Pvt) Ltd **v/s** M.V. Poavosa

## Wisdom III & Others

Admiralty Suit No. 13 of 2022



**Issue: Recovery of overpaid invoice – (quantity shipped was lesser than quantity agreed);  
Arrest Order Issued**



# Deoo Mal & Others. **v/s** M.V. AP Sveti Vlaho &

## Others

Admiralty Suit No. 12 of 2022



**Issue: Suit for recovery of overpaid invoice – (quantity shipped was lesser than quantity agreed);  
Claim under Section 3(2)(g) & (h) AJHCO'80  
Arrest Order Issued**

**AR Khan & Sons (Pvt) Ltd. v/s M.V. AN Hai**

**Vincent & Another**  
**Admiralty Suit No. 5 of 2022**



**Issue: Recovery of loss due to faulty equipment on Defendant Vessel; Cargo destroyed while unloading due to malfunctioning crane;**  
**Claim under Section 3(2)(d) AJHCO'80**  
**Arrest Order Issued**



**Daudpota** INTERNATIONAL  
LEGAL CONSULTANTS



**Thank You**

**Any Questions?**

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