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HIGH COURT OF ORISSA, CUTTACK
PUBLISHED UNDER THE AUTHORITY

NOTIFICATION

The 23rd July, 2020

No.889-X-3/2020/R-In exercise of the power conferred by sub-section (2A) of Section 16 of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act., 2017 (Act 22 of 2017) as amended by the Admiralty jurisdiction and Settlement of the Maritime Claims (Removal of Difficulties) Order, 2017 made by the Ministry of Shipping, Govt. of India vide SO 3349 (E) dated the 16th October, 2017 and corrigendum published vide SO 3562(E) dated the 8th November, 2017, the High Court of Orissa makes the following Rules:-

1. Short Title and Commencement : -

- (a) These Rules may be called The Orissa High Court Admiralty (Jurisdiction and Settlement of Maritime Claims) Rules, 2020.
- (b) They shall come into force on the date of their publication in *Odisha Gazette*.

2. Definitions:

- (1) In the construction of these Rules, the following terms shall have the respective meanings hereinafter assigned to them:
 - (a) 'Act' means The Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017.
 - (b) 'Action *in Personam*' or 'Suit *in Personam*' means Admiralty Action *in Personam*.
 - (c) 'Action *in Rem*' or 'Suit *in Rem*' means Admiralty Action *in Rem*.
 - (d) 'The Court' means the High Court of Orissa.
 - (e) 'Electronic Track Data' means Digital or Electronic Recording of the track of the vessel including any associated visual recording or shore based

automatic identification system, electronic chart and display information system or a voyage data recorder.

- (f) 'Judge' means Judge of the High Court of Orissa.
- (g) 'Marshal' means the Marshall or his substitute or other Officer who may be appointed by the Chief Justice to execute the process of the Court in exercise of its Admiralty jurisdiction.
- (h) 'Registrar' means Registrar (Judicial) of the Court or any other Officer authorized to perform the duties of such Registrar by the Chief Justice.
- (i) 'Registry' means the Office of the Registrar.
- (j) 'Suit' means any suit, action or other proceedings instituted in the Court in its Admiralty Jurisdiction.
- (k) 'Affidavit', in addition to its ordinary meaning, includes a statement in writing made by a person either on a solemn affirmation or by way of an oath.
- (2) The words and expressions used herein but not defined and defined in the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 shall have the same meanings assigned to them in those Acts.

3. Institution of the suit: - A suit shall be instituted by a plaint drawn-up, subscribed and verified according to the provisions of the Code of Civil Procedure, 1908 as amended from time to time. Save that if the suit is *in rem*, the defendant may (subject to such variations as the circumstances may require) be described as "the owners and parties interested" in the vessel or other properties proceeded against instead of by name.

A plaint shall be presented to the Registrar, either in person duly identified by an Advocate or through an Advocate in whose favour the plaintiff has executed a Vakalatnama.

4. Admiralty Suit Register: All suits filed in the admiralty jurisdiction of the Court, whether *in rem* or *in personam*, shall be entered in a book to be kept in the Registry called "Admiralty Suit Register" in which the number of the suit and the names of the parties will be entered including the name of the ship or its sale proceeds.

5. Arrest warrant after filing affidavit: - In a suit *in rem*, a warrant for the arrest of property may be issued at the instance either of the plaintiff or of the defendant at