



TAMIL NADU GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

No. 40]

CHENNAI, WEDNESDAY, SEPTEMBER 30, 2020
Purattasi 14, Saarvari, Thiruvalluvar Aandu-2051

Part III—Section 2

Statutory Notifications and Orders issued by
Heads of Departments.

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பெருநகர சென்னை மாநகராட்சி

வருவாய் துறை

சென்னை மாநகராட்சி முனிசிபல் சட்டம்-1919க்கு, தமிழ்நாடு சட்டங்கள் மற்றும் அவசர சட்டங்கள்
கீழ், சட்டத் திருத்தம் (Amendment) மேற்கொள்ளப்பட்டு, 16-07-2018 தேதியிட்ட
தமிழ்நாடு அரசிதழ் வெளியீட்டில் கீழ்க்கண்டவாறு வெளியிடப்பட்டுள்ளது. 107-108

NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.

JUDICIAL NOTIFICATIONS

Rules Under Section 16 of The Admiralty (Jurisdiction And Settlement of Maritime Claims) Act, 2017

The Rules For Regulating The Procedure and Practice in Cases Brought Before The High Court of Judicature At Madras in The Exercise of Its Admiralty Jurisdiction Framed by The High Court

(R.O.C. No. 92141/2017/F1)

No.SRO C-17/2020.

R.1. In the construction of these rules the following terms shall (if not inconsistent with the context or subject-matter) have the respective meanings hereinafter assigned to them, that is to say:

- (i) "The Court" shall mean the High Court of Judicature at Madras.
- (ii) "Judge" shall mean a Judge of the said Court.
- (iii) "Registrar" shall mean the Registrar of the said Court, on its Original Side, or other officer who may be authorized to perform the duties of such Registrar.
- (iv) "Registry", shall mean the office of the Registrar.
- (v) "[Nazir]" shall mean the [Nazir] or Deputy [Nazir] of Madras or other officer who may be appointed to execute the process of the said Court.
- (vi) "Advocate" shall mean an Advocate entered in any roll under the provisions of the Advocates Act, 1961, or the party himself, if conducting the suit in person.
- (vii) "Suit" shall mean any suit, action, or other proceeding instituted in the said Court in its Admiralty Jurisdiction.
- (viii) "Affidavit" shall mean in addition to its ordinary meaning, include a statement in writing on solemn affirmation wherever by law a person may make a solemn affirmation instead of an oath.
- (ix) "Vessel" means a vessel as defined under the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017.
- (x) "Abandoned vessel" shall include:-
 - a. a vessel that does not have an identifiable owner and is disposed on coastal waters in a wrecked / inoperative /dismantled /derelict condition, with or without crew
 - b. a vessel that has been relinquished, left or given up by the lawful owner without intention to later resume any right or interest in the vessel
 - c. a vessel(s) which has been ordered to be arrested by the Court and the owner of the said vessel has failed to enter appearance within 12 days from the date of service of warrant as contemplated in the Rules hereunder
 - d. a vessel for which an advocate has filed a vakalat but having entered appearance, has failed to file pleadings in the suit within 45 days from the date of service of the warrant

R.2. A suit shall be instituted by a plaint drawn up, subscribed and verified according to the provisions of the Code, save that if the suit is in *rem*, the defendants may, subject to such variation as the circumstances may require, be described as "the owners and parties interested in" the vessel or other property proceeded against instead of by name.

R.3. In suits in *rem*, a warrant for the arrest of property may be issued at the instance either of the plaintiff or of the defendant at any time after the suit has been instituted, but no warrant of arrest shall be issued until an affidavit by the party or his agent has been filed, and the following provisions complied with:

- (A) The affidavit shall state the name and description of the party at whose instance the warrant is to be issued, the nature of the claim or counter-claim, the name and nature of the property to be arrested, and that the claim or counter-claim has not been satisfied.
- (B) In a suit of wages or of possession, the affidavit shall state the national character of the vessel proceeded against; and if against a foreign vessel, that notice of the institution of the suit has been given to the consul of the State to which the vessel belongs, if there be one resident at Chennai, and a copy of the notice shall be annexed to the affidavit.