



Alpha Logistics Services (EPZ) Limited v The Owners of the Motor Yacht “Sea Jaguar” (Admiralty Claim 3 of 2018) [2024] KEHC 1175 (KLR) (12 February 2024) (Ruling)

Neutral citation: [2024] KEHC 1175 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
ADMIRALTY CLAIM 3 OF 2018
DKN MAGARE, J
FEBRUARY 12, 2024**

BETWEEN

ALPHA LOGISTICS SERVICES (EPZ) LIMITED CLAIMANT

AND

THE OWNERS OF THE MOTOR YACHT “SEA JAGUAR” DEFENDANT

RULING

1. Upon receipt of the Praecipec for commission and sale of I Motor Yacht 'sea Jaguar' I perused the file to give directions. I noted that a ruling was delivered on 14.3/2019. The matter was then fixed for assessment of salvage remuneration and out-of-pocket expenses.
2. This was decided upon on 27/8/2020 at Euro 785,000/= with interest at 12percentum Per annum. A decree was extracted in respect thereof. A notice of Appeal was filed on 3/9/2020. Nothing appears to have happened in between until when the praecipec for commission and appraisal for sale was filed.
3. I have not seen any orders staying the decree. In the circumstances, the sale of the motor yacht is necessary for the disposal of this matter, having decided the claimant’s claim.
4. The motor yacht had been ordered arrested on 19/12/2018. No security for its release was given.
5. I therefore find the orders sought merited. I direct that the admiralty Marshal of the High Court of Kenya at Mombasa to cause the Motor Yacht 'Sea Jaguar' appraised and to be sold. It is necessary to establish the true value of the Yatch, hence the appraisal.
6. The Applicant suggested and there is no objection that Industrial & Maritime Surveyors Limited do appraise the Yatch. I therefore direct that Industrial & Maritime Surveyors Limited of Mombasa through Messrs A.B Patel & Patel, Advocates, Oriental Building, Nkrumah Road, P. O. Box 80274-80100, Mombasa to appraise the said Motor Yacht, according to the true value thereof and such value having been certified in writing by them to cause the said motor yacht to be sold by private treaty



for the highest price that can be obtained for her but not for less than the appraised value unless the Court on your application allows her to be sold for less.

7. The Messrs A.B Patel & Patel, Advocates to advertise the sale locally on such terms and in such Newspapers of wide circulation as they may deem fit. The appraisal will be done and the yacht be sold for a price payable in US Dollars, though the judgment debt is in Euros. In that respect Messrs A.B Patel & Patel, advocate to have liberty to receive the whole of the purchase price which they are to hold on of the admiralty Marshall as they her directions from you.
8. That Messrs A.B Patel & Patel, Advocates to undertake in writing that the proceeds of sale shall be held as Advocates for the admiralty marshal and make such disposals thereof as are directed by him provided that no such disposal instructions shall be given by the admiralty marshal pending the settlement of priorities by the Court.
9. The Conditions of sale herein are accordingly approved. The particulars of the motor yacht sea Jaguar filed herein are equally approved together with the bid form.
10. Orders accordingly.

**DELIVERED, DATED AND SIGNED AT MOMBASA ON THIS 12TH DAY OF FEBRUARY, 2024.
JUDGMENT DELIVERED THROUGH MICROSOFT TEAMS ONLINE PLATFORM.**

KIZITO MAGARE

JUDGE

In the presence: -

Mr. Barasa Hamilton for the Applicant

No appearance for the Respondent

