

# **SUPREME COURT OF APPEAL OF SOUTH AFRICA**

## **MEDIA SUMMARY - JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL**

**NAME OF SHIP: MV 'ORIENT STRIDE'  
ASIATIC SHIPPING SERVICES INC AND ELGINA MARINE COMPANY  
LTD CASE MP 487/07**

**From : The Registrar, Supreme Court of Appeal**

**Date: 23 September 2008**

**Status: Immediate**

***Please note that the media summary is for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal***

The Supreme Court of Appeal today dismissed an appeal against a decision of the Durban High Court refusing to set aside the arrest of bunkers aboard the MV *Orient Stride* to provide security for a claim subject to arbitration proceedings in London.

The arrest had been obtained at the instance of a Cypriot company which alleged that the owner of the bunkers had breached a charter party in terms of which it had hired the MV *Columbine Express* for a 40 day voyage but had redelivered the vessel almost 6 weeks late.

The issue was whether the arresting party, Elgina Marine Company Ltd of Limassol, Cyprus, had discharged the onus of proving that it had a genuine and reasonable need for security. The Supreme Court of Appeal held that what Elgina was required to prove was no more than that it had a reasonable apprehension that the owner of the bunkers, a Malaysian company, would not satisfy an award made in favour of the arresting party. The court held that on the evidence Elgina had discharged the onus of prove

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