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LEGAL OPINION

Marine Insurance – Time bar

A cargo of medicines was damaged during sea carriage and the insured party sued the underwriters for the insurance remuneration. Insurance covered road and sea transport.

The law suit was filed more than two years after the end of the year when the incident occurred, thus the claim was time barred under the Greek Code of Private Maritime Law (KIND).

The insured party attempted to show the case was not one of marine insurance, since it contained a road carriage part; they also alleged the time-bar was interrupted as underwriters had acknowledged the claim.

The Court rejected both allegations: The first, because the damage occurred during the maritime part of the case; and the second because it was proved that what was presented as acknowledgment, was in fact a communication on an experts' report.

Accordingly, late action led to time-bar of the claim and the lawsuit was rejected.

Piraeus Court of Appeal Judgment no 135/ 2014, President: P. Tsandekidou, Rapporteur Judge: A. Tsamadia, Attorneys at law: N. Christakis, M. Dimitropoulou, Maritime Law Review vol. 42, p. 315.

NOTE: Time bar is relatively short in Greek Maritime law, reflecting the speediness of the industry and the necessity of prompt action by the parties involved. Many maritime claims have a one-year time bar. In most cases, time-bar starts at the end of the year when the claim arose.

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