

# NEWSFRONT

## GREEK SHIPPING INTELLIGENCE

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### LEGAL OPINION

#### Moral damages to the family of the deceased – who is entitled

In case of the death of a seafarer, his family is entitled to claim moral damages for the pain they felt because of his death.

The term 'family' is considered to comprise the close relatives of the deceased. Such are considered to be his wife and children, his parents, brothers and sisters and his parents-in-law. They are considered to suffer deep sorrow due to their proximity to the deceased.

It is irrelevant if they lived together or not, it is the sentimental link that is judged.

Existence of sentimental link is assessed by the Court.

The existence of such a link is a prerequisite, so mere capacity of an individual as 'family' member is not enough. If it is found there is no such link, the relative is not eligible to moral damages.

Supreme Court Judgment no 263/ 2015, Presiding: G. Yannoulis, Rapporteur Judge: Chr. Kosmidis, Attorneys at law: M. Koundouris, A. Tzimas, Maritime Law Review vol. 43, p. 1.

NOTE: Proof of lack of sentimental link is not easy to be shown in the Court, as it should be specifically proposed and it is not sure defendants, whether they be shipowners or insurers, are aware of it.

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