

NEWSFRONT

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LEGAL OPINION

Hague – Visby Rules – Time-bar

In a damage of equipment, underwriters paid the insured party and sued the carrier for the damages, being subrogated to the cargo interests rights.

The carriage was on bill of lading terms and Hague Visby Rules applied, providing, inter alia, for an one-year time bar. Law suit by the underwrites having been filed at a time point beyond the one year time-bar, defendants invoked that claim was time-barred.

However, subrogation had taken place before the lapse of one-year time-bar. In such cases, time-bar is extended for six additional months. Law suit was filed within this additional period, as plaintiffs proved, and accordingly the claim was not considered as time-barred.

Piraeus Court of Appeal Judgment no 335/2018, President: D. Tsoutsani, Rapporteur Judge: El. Nikolakopoulou, Attorneys at law: G. Kalogiras, L. Vasilopoulos, Maritime Law Review vol. 46, p. 33.

NOTE: Time bar is not taken into account by the Court unless it is invoked by a litigant. Likewise, an objection to a time-bar should be proposed by a litigant, otherwise it is not considered by the Court.

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