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LEGAL OPINION

Parties bound by Bill of Lading

A ship-owner undertook to carry cargo between two Greek ports. The carriage contract was between shipper and shipowner and carriage was on b/l terms.

A dispute on freight having arisen, the owner sued both shipper and receiver. They alleged the shipper had acted as receiver's representative and thus founded their lawsuit against the latter; receiver was not a party to the carriage contract.

The court concluded the sale and purchase agreement between receiver and shipper for the cargo was irrelevant to the carriage contract and accordingly the receiver was not liable to pay the freight.

Piraeus one membered Court of Appeal Judgment no 209/2016. Judge: E. Liouli, Attorneys at law: M. Ividiotou-Saxoni, Th. Patrinely, Maritime Law Review vol. 44, p. 35.

NOTE: The receiver was a third party here in relation to the carriage contract. The fact a commercial contract of sale of cargo was underlying and gave rise to the carriage contract did not render parties to it, parties of the carriage contract as well. The latter was entered into between owners and shippers as charterers, and created obligations and rights to them and not to receiver.

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