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LEGAL OPINION

Time bar in freight claims

A shipowner sued the charterer for freight due from the chartering of the former's vessel for the carriage of a lignite cargo from Thessaloniki to Larymna.

The charterer invoked the one-year time bar applicable in such cases, as the lawsuit was filed after the lapse of same. The owner alleged the time bar had not lapsed, because it was extended, due to the charterer having been under the Consultations Procedure of the Bankruptcy Code, and during this procedure, no pursuing measures are to apply for the debtor.

The Court opined the suspension of such measures does not include the filing of a lawsuit. So, the claim was time barred as far as this allegation was concerned.

Further, the owners proposed that issuance of post dated cheques by the charterer for the hire payment, had interrupted the time bar period, which should start again as from the date the cheques were issued. This view was rejected by the Court, since it held that such issuance of cheques was not a debt acknowledgement but merely a promise to pay; the former interrupts indeed the time bar, but the second does not.

Piraeus one member Court of Appeal Judgment no 528/ 2014, Judge: Z. Karachaliou, Attorneys at law: I. Tolis, Al. Alexiou, Maritime Law Review vol. 42, p. 239.

NOTE: The time bar for claims arising out of chartering is one year, starting from the end of the year when the event giving rise to the claim arose.

*The legal column was written by Manolis Eglezos, Attorney at law,
Manolis Eglezos & Associates Law Firm, Attorneys at Law and Consultants*