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LEGAL OPINION

Arbitration

Where a case is referred to arbitration of the Maritime Chamber of Greece, litigants should enjoy the same rights and means of litigation; this includes the documentation submitted or allowed to be submitted.

In a case brought before the Maritime Chamber of Greece Arbitration, one of the litigants was given the chance to file a counter – reply to the allegations of the other party. This chance, however, was not given to the other litigant, who was not given the right to file a counter reply to the allegations of his opponent reciprocally.

The party not given the opportunity to counter, challenged the validity of the Arbitration Award before the Greek Courts.

The Greek Courts found that indeed the right to be heard on an equality basis was not observed, and the Arbitration Award was abolished.

Supreme Court Judgment no 1893/2004, Presiding Judge: A. Koutromanos, Rapporteur Judge: V. Pappas, Attorneys at law: I. Chaliakopoulos, D. Rediadis, Maritime law Review vol. 43, p. 51.

NOTE: Arbitration awards can be challenged and abolished only by a court judgement. There are limited grounds on which the award can be challenged, one of them being the non observance of equal treatment of the litigants.

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